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CHAPTER 13.

DEPUTY SHERIFFS GENERALLY

ARTICLE 1.

GENERAL PROVISIONS

**SECTION 23‑13‑10.** Appointment; approval by court; responsibility of sheriff for acts of deputy.

The sheriff may appoint one or more deputies to be approved by the judge of the circuit court or any circuit judge presiding therein. Such appointment shall be evidenced by a certificate thereof, signed by the sheriff, and shall continue during his pleasure. The sheriff shall in all cases be answerable for neglect of duty or misconduct in office of any deputy.

HISTORY: 1962 Code Section 53‑71; 1952 Code Section 53‑71; 1942 Code Section 3486; 1932 Code Sections 3486, 3487; Civ. C. '22 Section 2032; Civ. C. '12 Section 1146; Civ. C. '02 Section 830; G. S. 652, 653; R. S. 713; 1870 (14) 332; 1880 (17) 4; 1927 (35) 44; 1936 (39) 1390; 1937 (40) 86.

**SECTION 23‑13‑15.** Patrol of homeowner's association territory; compensation from association funds.

A sheriff is authorized to employ a deputy and pay his compensation from funds received from a residential homeowner's association in the county and, in doing so, may assign that deputy to patrol the territory comprising the geographical area represented by the homeowner's association. Nothing herein shall prevent the sheriff from assigning such deputy to other areas or to perform other duties, if, in the sheriff's discretion, it is necessary to do so.

HISTORY: 1990 Act No. 561, Section 1.

**SECTION 23‑13‑20.** Bond and oath.

Each deputy sheriff shall, before entering upon the discharge of his duty, enter into bond in the sum of one thousand dollars, with sufficient surety, to be approved by the sheriff of the county, conditioned for the faithful performance of his duties and for the payment to the county and to any person of all such damages as they or any of them may sustain by reason of his malfeasance in office or abuse of his discretion. He shall, in addition to the oath of office now prescribed by Section 26, of Article III, of the Constitution, take the following oath (or affirmation) to wit: "I further solemnly swear (or affirm) that during my term of office as county deputy, I will study the act prescribing my duties, will be alert and vigilant to enforce the criminal laws of the State and to detect and bring to punishment every violator of them, will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me, God." The form of such bond shall be approved by the county attorney and, with the oaths, shall be filed with and kept by the clerk of court for the county.

A blanket bond may be used in any county to fulfill the bond requirement of this section upon approval of the County Council and the County Attorney.

HISTORY: 1962 Code Section 53‑77; 1952 Code Section 53‑77; 1942 Code Sections 3488, 3494; 1932 Code Sections 3488, 3494; Civ. C. '22 Sections 2033, 2039; Civ. C. '12 Section 1147; Civ. C. '02 Section 831; G. S. 654; R. S. 714; 1870 (14) 332; 1880 (17) 4; 1912 (27) 865; 1981 Act No. 105, Section 1.

Before issuing any warrant to any deputy for his salary, the supervisor shall require such deputy to take and subscribe an oath that he has fully and faithfully performed during the preceding month the duties required of him herein. The governing body of the county shall furnish to each such deputy two uniforms per year, to be prescribed and approved by such body. Such deputies shall provide themselves with deputies' billies and such firearms as may be prescribed by the governing body of the county. They shall bear all expenses incident to their service.

HISTORY: 1962 Code Section 53‑80; 1952 Code Section 53‑80; 1942 Code Section 3491; 1932 Code Section 3491; Civ. C. '22 Section 2036; 1912 (27) 569, 865; 1961 (52) 497.

**SECTION 23‑13‑40.** Special deputies.

The sheriff, without seeking the approval of the circuit judge, may appoint special deputies as the exigency of his business may require for the service of process in civil and criminal proceedings only. He shall be responsible for the conduct of such special deputies.

HISTORY: 1962 Code Section 53‑83; 1952 Code Section 53‑83; 1942 Code Section 3489; 1932 Code Section 3489; Civ. C. '22 Section 2034; Civ. C. '12 Section 1148; Civ. C. '02 Section 832; G. S. 652; R. S. 715; 1870 (14) 332; 1880 (17) 4.

**SECTION 23‑13‑50.** Authority to perform duties of office.

When duly qualified a deputy sheriff may perform any and all of the duties appertaining to the office of his principal.

HISTORY: 1962 Code Section 53‑84; 1952 Code Section 53‑84; 1942 Code Section 3488; 1932 Code Section 3488; Civ. C. '22 Section 2033; Civ. C. '12 Section 1147; Civ. C. '02 Section 831; G. S. 654; R. S. 714; 1870 (14) 332; 1880 (17) 4.

**SECTION 23‑13‑60.** Power of arrest.

The deputy sheriffs may for any suspected freshly committed crime, whether upon view or upon prompt information or complaint, arrest without warrant and, in pursuit of the criminal or suspected criminal, enter houses or break and enter them, whether in their own county or in an adjoining county.

HISTORY: 1962 Code Section 53‑85; 1952 Code Section 53‑85; 1942 Code Section 3493; 1932 Code Section 3493; Civ. C. '22 Section 2038; Cr. C. '22 Section 328; 1912 (27) 865.

The deputy sheriffs shall patrol the entire county at least twice a week by sections assigned to each by the sheriff, remaining on duty at night when occasion or circumstances suggest the propriety thereof to prevent or detect crime or to make an arrest. They shall always be on duty for not less than ten hours a day, except when granted occasional indulgences or leaves of absence by the sheriff. They shall frequent railroad depots, stores and other public places where people congregate, disorder is probable, vagrants may be loafing or alcoholic liquors may be sold, bartered or given away and they shall as often as practicable ride by houses that are off the public highways and in lonely parts of the county, especially such as are without male protectors, and shall use every means to prevent or detect, arrest and prosecute for breaches of the peace, drunkenness, using obscene language, boisterous conduct or discharging of firearms on the public highways or at any public place or gathering, carrying weapons contrary to law, gambling, vagrancy, setting out fire, violation of the game and fish laws, cruelty to animals or children, violation of the child labor laws, lynching and for the violation of every law which is detrimental to the peace, good order and morals of the community.

HISTORY: 1962 Code Section 53‑86; 1952 Code Section 53‑86; 1942 Code Section 3492; 1932 Code Section 3492; Civ. C. '22 Section 2037; 1912 (27) 865.

ARTICLE 3.

DEPUTY SHERIFFS FOR INDUSTRIAL COMMUNITIES

**SECTION 23‑13‑210.** Appointment and qualifications.

Upon a written statement of the president, treasurer or other executive officer having the management of any industrial corporation located in any county of this State directed to the sheriff of such county, setting forth that in his opinion the interests of the industrial community and locality under his management require special police supervision, and that such community contains fifty or more inhabitants, the sheriff shall appoint as his deputy a discreet and suitable person satisfactory to the president, treasurer or other executive officer of the corporation requesting the appointment, who shall reside within the county in which is situate the property for whose protection he is appointed.

HISTORY: 1962 Code Section 53‑101; 1952 Code Section 53‑101; 1942 Code Section 3499; 1932 Code Section 3499; Civ. C. '22 Section 2042; Civ. C. '12 Section 1149; Civ. C. '02 Section 833; 1898 (22) 743; 1899 (23) 75; 1933 (38) 47; 1947 (45) 225.

**SECTION 23‑13‑220.** Appointment of more than one deputy for larger communities.

In communities or localities of one hundred or more inhabitants two or more such deputies shall be appointed by the sheriff of the county in which the community or locality is situated, if the president, treasurer or other executive officer of the industrial corporation located therein shall so request in writing, the number of such deputies to be maintained in any such community to be determined by the industrial corporation. And if an industrial corporation owns, operates or controls plants, branches or factories in separate communities or localities, each community or locality may be provided under the terms of this article with one or more such deputy sheriffs or constables upon the written request of the proper officer of such corporation.

HISTORY: 1962 Code Section 53‑102; 1952 Code Section 53‑102; 1942 Code Section 3499; 1932 Code Section 3499; Civ. C. '22 Section 2042; Civ. C. '12 Section 1149; Civ. C. '02 Section 833; 1898 (22) 743; 1899 (23) 75; 1933 (38) 47.

**SECTION 23‑13‑230.** Oath; bond.

Before entering upon the duties of his office, any such deputy shall take the oaths prescribed by the Constitution and statutes of this State. Any person so appointed a deputy sheriff under the provisions of this article shall execute the bond required of constables by Section 22‑9‑20 and shall be subject to the provisions of Section 22‑9‑160.

HISTORY: 1962 Code Section 53‑103; 1952 Code Section 53‑103; 1942 Code Sections 3499, 3501; 1932 Code Sections 3499, 3501; Civ. C. '22 Sections 2042, 2044; Civ. C. '12 Sections 1149, 1151; Civ. C. '02 Sections 833, 835; 1898 (22) 743; 1899 (23) 75; 1901 (23) 696; 1933 (38) 47.

**SECTION 23‑13‑240.** Term of office; removal.

The term of office of any such deputy sheriff shall expire with the term of the sheriff appointing him. But any deputy appointed under this article shall be removed from office by the sheriff and his commission shall stand cancelled, if the president, treasurer or other executive officer of the corporation which requested his appointment shall file with the sheriff a written request that he be removed. And the sheriff at any time in the exercise of his discretion may revoke the commission of any such deputy for any cause whatsoever.

HISTORY: 1962 Code Section 53‑104; 1952 Code Section 53‑104; 1942 Code Section 3499; 1932 Code Section 3499; Civ. C. '22 Section 2042; Civ. C. '12 Section 1149; Civ. C. '02 Section 833; 1898 (22) 743; 1899 (23) 75; 1933 (38) 47.

**SECTION 23‑13‑250.** Salary.

The salary of any such deputy shall be paid by the corporation at the instance of whose president, treasurer or other executive officer the appointment is made, the amount to be fixed by contract with the corporation, acting through its president, treasurer or other executive officer.

HISTORY: 1962 Code Section 53‑105; 1952 Code Section 53‑105; 1942 Code Section 3499; 1932 Code Section 3499; Civ. C. '22 Section 2042; Civ. C. '12 Section 1149; Civ. C. '02 Section 833; 1898 (22) 743; 1899 (23) 75; 1933 (38) 47.

**SECTION 23‑13‑260.** Jurisdiction.

The jurisdiction of any such deputy sheriff, as an officer of the corporation at the request of which he is appointed, shall extend over the property controlled by the president, treasurer or other executive officer having the management of such corporation and in addition over all territory within a radius of one mile from the main building in which the industry of the corporation is operated.

HISTORY: 1962 Code Section 53‑107; 1952 Code Section 53‑107; 1942 Code Section 3499; 1932 Code Section 3499; Civ. C. '22 Section 2042; Civ. C. '12 Section 1149; Civ. C. '02 Section 833; 1898 (22) 743; 1899 (23) 75; 1933 (38) 47.

**SECTION 23‑13‑270.** Situations in which jurisdiction may extend to other communities.

When any industrial corporation controls and operates more than one industrial plant in any county in this State or when more than one industrial plant in the same county is controlled and operated by allied or affiliated corporations or corporations which are under the same general management or are under the same general stock ownership and the sheriff appoints a deputy sheriff under the terms of this article for any industrial community and locality in any such chain or series, the sheriff may give any such deputy sheriff additional jurisdiction under the terms of this article over any or all other communities or localities of such chain or series, but such additional jurisdiction shall not become effective until the sheriff shall have made such appointment in writing naming all of the communities and localities in which such appointee is given jurisdiction.

HISTORY: 1962 Code Section 53‑108; 1952 Code Section 53‑108; 1943 (43) 295.

**SECTION 23‑13‑280.** Rights, powers and duties of deputies.

Any such deputy sheriff:

(1) Shall have, do and exercise all the rights, duties and powers prescribed by law for constables or magistrates and such powers as are usually exercised by marshals and policemen of towns and cities;

(2) Shall act as a conservator of the peace;

(3) Shall take into custody and carry before the nearest magistrate any person who may, in his view, engage in riotous conduct or violation of the peace, refusing upon his command to desist therefrom;

(4) Shall arrest any person who may, in his view, commit any felony or misdemeanor and carry him before a court of competent jurisdiction; and

(5) Shall execute any and all criminal process from magistrates' courts.

HISTORY: 1962 Code Section 53‑111; 1952 Code Section 53‑111; 1942 Code Section 3500; 1932 Code Section 3500; Civ. C. '22 Section 2043; Cr. C. '22 Section 329; Civ. C. '12 Section 1150; Civ. C. '02 Section 834; 1898 (22) 793; 1899 (23) 75.

**SECTION 23‑13‑290.** Responsibility for malfeasance of deputies.

Neither the sheriff of the county nor the industrial corporation shall be responsible for the malfeasance, nonfeasance or misfeasance of any such officer, but he and his sureties shall be answerable therefor on his official bond.

HISTORY: 1962 Code Section 53‑112; 1952 Code Section 53‑112; 1942 Code Section 3502; 1932 Code Section 3502; Civ. C. '22 Section 2045; Civ. C. '12 Section 1152; 1904 (24) 424.

**SECTION 23‑13‑300.** Article shall be applicable notwithstanding that community is composed of temporary residents.

The provisions of this article shall apply to any such industrial communities as are comprised of fifty persons or more, whether such persons are permanent or temporary inhabitants thereof.

HISTORY: 1962 Code Section 53‑113; 1952 Code Section 53‑113; 1942 Code Section 3503; 1932 Code Section 3503; Civ. C. '22 Section 2046; Civ. C. '12 Section 1153; 1904 (24) 424.

ARTICLE 5.

DEPUTY SHERIFFS FOR FAIRS, CIRCUSES AND MEETINGS

**SECTION 23‑13‑410.** Appointment and qualifications.

Upon a written statement of the president, treasurer or other executive officer having the management of any fair association, amusement company, circus, political meeting, camp meeting or other such concern located or to be located in any county in this State directed to the sheriff of any such county, setting forth that in his opinion the interests of the association, amusement company, circus, political meeting, camp meeting or other such concern under his management and the public peace require special police supervision, the sheriff shall appoint a discreet and suitable person or persons as his deputy or deputies, whose term of office shall continue during the public exhibition of such association, amusement company, circus, political meeting, camp meeting or other such concern, unless sooner by him removed. The salary of any such deputy shall be paid by the concern requesting such appointment.

Nothing herein contained shall interfere with the right and duty of a sheriff, upon his own motion, to appoint such a deputy or deputies as may seem advisable.

HISTORY: 1962 Code Section 53‑121; 1952 Code Section 53‑121; 1942 Code Section 3504; 1932 Code Section 3504; Civ. C. '22 Section 2047; Civ. C. '12 Section 1154; 1908 (25) 1152; 1910 (26) 763.

**SECTION 23‑13‑420.** Oath; bond.

Before entering upon the duties of his office any such deputy shall take the oath prescribed by the Constitution and statutes of this State. He shall also execute the bond required of constables by Section 22‑9‑20 and shall be subject to the provisions of Section 22‑9‑160.

HISTORY: 1962 Code Section 53‑122; 1952 Code Section 53‑122; 1942 Code Sections 3504, 3506; 1932 Code Sections 3504, 3506; Civ. C. '22 Sections 2047, 2049; Civ. C. '12 Sections 1154, 1156; 1908 (25) 1152, 1153; 1910 (26) 763.

**SECTION 23‑13‑430.** Jurisdiction.

The jurisdiction of such a deputy sheriff shall extend over the property controlled by such fair association, amusement company, circus, political meeting, camp meeting or other such concern.

HISTORY: 1962 Code Section 53‑123; 1952 Code Section 53‑123; 1942 Code Section 3504; 1932 Code Section 3504; Civ. C. '22 Section 2047; Civ. C. '12 Section 1154; 1908 (25) 1152; 1910 (26) 763.

**SECTION 23‑13‑440.** Rights, powers and duties.

Any such deputy sheriff:

(1) Shall have and exercise all the rights, duties and powers prescribed by law for deputy sheriffs or constables and such powers as are usually exercised by marshals and policemen of towns and cities;

(2) Shall act as a conservator of the peace;

(3) Shall take into custody and carry before the nearest magistrate any person who may, in his view, engage in riotous conduct or violation of the peace, refusing upon his command to desist therefrom;

(4) Shall arrest any person who may, in his view, commit any felony or misdemeanor and carry him before a court of competent jurisdiction; and

(5) Shall execute any and all criminal processes from magistrates' courts.

HISTORY: 1962 Code Section 53‑124; 1952 Code Section 53‑124; 1942 Code Section 3505; 1932 Code Section 3505; Civ. C. '22 Section 2048; Civ. C. '12 Section 1155; 1908 (25) 1153.

ARTICLE 7.

DEPUTY SHERIFFS FOR PARKS AND OTHER PLACES OF AMUSEMENT

**SECTION 23‑13‑510.** Appointment and qualifications.

Upon a written statement of the president, treasurer or other executive officer having the management of any park or place of amusement located in any county of this State directed to the sheriff of such county, setting forth that in his opinion the interests of the patrons of such park or place of amusement require special police supervision, the sheriff shall appoint as his deputy a discreet and suitable person, satisfactory to the president, treasurer or other executive officer of such park or other place of amusement requesting the appointment and whose salary shall be paid by the park or other place of amusement at the instance of whose president, treasurer or other executive officer the appointment is made, the amount to be fixed by contract with the company owning or operating such park or place of amusement, acting through its president, treasurer or other executive officer.

HISTORY: 1962 Code Section 53‑131; 1952 Code Section 53‑131; 1942 Code Section 3508; 1932 Code Section 3508; Civ. C. '22 Section 2051; Civ. C. '12 Section 1158; Civ. C. '02 Section 833; 1899 (23) 75; 1908 (25) 1152; 1910 (26) 764.

**SECTION 23‑13‑520.** Oath.

Before entering upon the duties of his office, any such deputy shall take the oath prescribed by the Constitution and statutes of this State.

HISTORY: 1962 Code Section 53‑132; 1952 Code Section 53‑132; 1942 Code Section 3508; 1932 Code Section 3508; Civ. C. '22 Section 2051; Civ. C. '12 Section 1158; Civ. C. '02 Section 833; 1899 (23) 75; 1908 (25) 1152; 1910 (26) 764.

**SECTION 23‑13‑530.** Term; removal.

The term of office of any such deputy sheriff shall expire with the term of the sheriff, unless sooner by him removed. And any such deputy shall be removed by the sheriff and another deputy appointed by him satisfactory to the president, treasurer or other executive officer of the park or place of amusement, whenever the president, treasurer or other executive officer shall make a statement in writing to the sheriff of the county that the deputy is not discharging his duties to the satisfaction of the president, treasurer or other executive officer and requesting a change of appointment.

HISTORY: 1962 Code Section 53‑133; 1952 Code Section 53‑133; 1942 Code Section 3508; 1932 Code Section 3508; Civ. C. '22 Section 2051; Civ. C. '12 Section 1158; Civ. C. '02 Section 833; 1899 (23) 75; 1908 (25) 1152; 1910 (26) 764.

**SECTION 23‑13‑540.** Jurisdiction.

The jurisdiction of any such deputy sheriff shall extend over the property controlled by the president, treasurer or other executive officer having the management of the park or other place of amusement and in addition over all territory within a radius of one mile from the center of such park or place of amusement.

HISTORY: 1962 Code Section 53‑134; 1952 Code Section 53‑134; 1942 Code Section 3508; 1932 Code Section 3508; Civ. C. '22 Section 2051; Civ. C. '12 Section 1158; Civ. C. '02 Section 833; 1899 (23) 75; 1908 (25) 1152; 1910 (26) 764.

**SECTION 23‑13‑550.** Rights, powers and duties.

Any such deputy sheriff:

(1) Shall have, do and exercise all the rights, duties and powers prescribed by law for constables or magistrates and such powers as are usually exercised by marshals and policemen of towns and cities;

(2) Shall also act as a conservator of the peace;

(3) Shall take into custody and carry before the nearest magistrate any person who may, in his view, engage in riotous conduct or violation of the peace, refusing upon his command to desist therefrom;

(4) Shall arrest any person who may, in his view, commit any felony or misdemeanor and carry him before a court of competent jurisdiction; and

(5) Shall execute any and all criminal process from magistrates' courts.

HISTORY: 1962 Code Section 53‑135; 1952 Code Section 53‑135; 1942 Code Section 3509; 1932 Code Section 3509; Civ. C. '22 Section 2052; Cr. C. '22 Section 330; Cr. P. '22 Section 14; Civ. C. '12 Section 1159; Cr. C. '12 Section 15; 1908 (25) 1086, 1152, 1153.