CHAPTER 7

State Constables

**SECTION 23‑7‑10.** Appointment of special State constables upon recommendation of United States Atomic Energy Commission; compensation.

The Governor may appoint and commission as special State constables such persons, including employees of a contractor of the United States Atomic Energy Commission (in this chapter hereinafter called “the Commission”), as shall be recommended to him in writing by a duly authorized representative of the Commission. Such special State constables shall serve without compensation from the State or any of its political subdivisions.

HISTORY: 1962 Code Section 53‑731; 1952 Code Section 53‑731; 1951 (47) 710.

CROSS REFERENCES

Constables generally, see Title 22.

Constitutional provision regarding selection, duties, and compensation of law enforcement officials, see SC Const, Art 5, Section 24.

Library References

Sheriffs and Constables 2.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Section 2.

Attorney General’s Opinions

Constables appointed by the Governor are excluded from the requirement of attending the Criminal Justice Academy. 1976‑77 Op. Atty Gen, No. 77‑208, p 160.

**SECTION 23‑7‑20.** Term of office; removal.

The appointment of a special State constable under this chapter shall be for a term of two years. Any such constable may be summarily removed by the Governor upon his own initiative or at the request of the Commission or its duly authorized representative.

HISTORY: 1962 Code Section 53‑732; 1952 Code Section 53‑732; 1951 (47) 710.

Library References

Sheriffs and Constables 12.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Sections 25 to 27.

**SECTION 23‑7‑30.** Oath; bond.

All special state constables appointed under this chapter are required to take the oath prescribed by Article III, Section 26 of the Constitution of 1895. Every such special state constable must give and file in the office of the Secretary of State a surety bond in the penal sum of two thousand dollars conditioned upon the faithful performance of his duties.

HISTORY: 1962 Code Section 53‑733; 1952 Code Section 53‑733; 1951 (47) 710; 2000 Act No. 362, Section 2.

Library References

Sheriffs and Constables 10.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Sections 22 to 23.

**SECTION 23‑7‑40.** Jurisdiction of constables.

The jurisdiction of a special state constable is confined and limited to the lands and premises acquired or being acquired by the United States Government for the use of the commission in Aiken, Allendale, and Barnwell counties. Nothing contained in this section confines or limits the jurisdiction of the constable to the lands and premises while in fresh pursuit of a person for a misdemeanor or felony committed in his presence or for a felony if he reasonably believes upon prompt information or complaint that the person has committed the felony. The failure of the United States to acquire title to any of the lands and premises within the boundaries of the site does not confine or limit the jurisdiction of a special state constable authorized by this chapter.

HISTORY: 1962 Code Section 53‑734; 1952 Code Section 53‑734; 1951 (47) 710; 1982 Act No. 308; 1990 Act No. 598, Section 5.

Library References

Sheriffs and Constables 77.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Sections 52 to 54.

**SECTION 23‑7‑50.** General powers and duties.

A special state constable possesses all of the rights and powers prescribed by law for magistrates’ constables and deputy sheriffs and powers usually exercised by marshals and policemen of towns and cities. He shall act as a conservator of the peace, take into custody and carry before the nearest magistrate any person who commits any misdemeanor or felony in his presence or any felony if he reasonably believes upon prompt information or complaint the person has committed the felony and carry him before a court of competent jurisdiction, and execute any criminal process from magistrates’ courts relating to offenses committed upon any of the lands and premises within his jurisdiction.

HISTORY: 1962 Code Section 53‑735; 1952 Code Section 53‑735; 1951 (47) 710; 1990 Act No. 598, Section 6.

Library References

Sheriffs and Constables 77.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Sections 52 to 54.

**SECTION 23‑7‑60.** Issuance of summons for violation of traffic law.

Each special State constable appointed under the provisions of this chapter shall have the additional authority to issue an official summons to any person apprehended for violating a traffic law, and such summons, duly served, shall give the proper judicial officer jurisdiction to dispose of the matter after trial upon the date set in the summons, and such constable is authorized to release the person so charged for future appearance before the proper judicial officer upon such person’s own recognizance.

HISTORY: 1962 Code Section 53‑735.1; 1956 (49) 1581.

Library References

Automobiles 351.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1344 to 1345, 1365 to 1372, 1397 to 1401, 1442 to 1444, 1473 to 1475, 1486 to 1487, 1496, 1508 to 1509, 1518, 1526, 1532, 1543 to 1547, 1550.

**SECTION 23‑7‑70.** Exclusive remedy.

The South Carolina Tort Claims Act, Chapter 78 of Title 15, is the exclusive and sole remedy for any tort committed by a special state constable while acting within the scope of his official duty.

HISTORY: 1962 Code Section 53‑736; 1952 Code Section 53‑736; 1951 (47) 710; 2000 Act No. 362, Section 3.

Library References

States 112.

Westlaw Topic No. 360.

C.J.S. States Sections 233, 313 to 321.