CHAPTER 15

General Powers and Duties of Sheriffs and Deputy Sheriffs

**SECTION 23‑15‑20.** Maintenance and contents of books of record.

 (A) The sheriff of every county shall keep and preserve as public records in his office the separate books mentioned in this section, of good material and strongly bound, each containing not less than eight quires of medium paper and labeled with its appropriate title, as follows:

 (1) A “Writ Book”, in which the sheriff, immediately on the receipt of any writ of habeas corpus, citation, writ of capias ad respondendum, summons, subpoena writ, subpoena ticket, rule, interrogatories, notice to be served upon any person, subpoena ad respondendum, writ of ne exeat, injunction, warrant, attachment, or any other mesne process whatever, issuing from either the circuit or the probate court, shall make an entry of it, with the date, and endorse on the original the time of the entry in his office. The writ book must be laid off into separate and suitable columns in which the sheriff shall enter the names of the parties, the name of the attorney, the kind of process, the kind of action, or kind of offense, when entered, by whom served, how served, when served or other return, and the sheriff’s costs. The sheriff shall make a true index in the book to all the entries in it.

 (2) An “Execution Book”, in which the sheriff, immediately on the receipt of any fieri facias, capias satisfaciendum, attachment for not performing a decree, writ of habere facias possessionem, restitution, military or other execution, or any other final process which, according to law, may be lodged with him shall enter the same and endorse on the final process the time of entry in his office. The execution book must be laid off into separate and suitable columns in which the sheriff shall enter the kind of process, when lodged, the time of the original entry, the names of the parties, the debt and interest, and (underneath, in the same column) the attorney’s, clerk’s, sheriff’s, and other costs, attorney’s name, the amount received, date of levy or other return or disposition of the execution, and receipts of the plaintiff, attorney, clerk, sheriff, witnesses, or others entitled to costs or their agents or representatives. The sheriff shall make and keep correct and double indexes in this book of the cases entered in it, so that the name of each defendant in an execution may be entered in alphabetical order.

 (3) A “Sale Book”, in which the sheriff shall enter all sales which he may make under any order, decree, execution, or final process of any of the courts of this State or any officer authorized by law to issue the process to the sheriffs of this State, and he shall transcribe in it all levies which he has made, specifying the property and the date of each levy, and all advertisements of property levied on. The parts of the book in which accounts of sale are kept must be divided into separate and suitable columns in which the sheriff shall enter the names of the parties, a description of the property sold, when sold, to whom sold, amount of sale and, if bond be taken, the names of the sureties to it and a statement of the time when due, and to what case or cases the proceeds of the sale have been applied or to whom paid. The sheriff shall make and keep correct and double indexes in this book of the cases entered in it.

 (B) Any public records required to be kept by the sheriff in separate books under the provisions of this section may be maintained in a computer system or may be transferred to a microfilm system provided that a second or back‑up copy of the records is maintained in the event of destruction or unavailability of the records maintained by the computer or microfilm system.

HISTORY: 1962 Code Section 53‑192; 1952 Code Section 53‑192; 1942 Code Section 3511; 1932 Code Section 3511; Civ. C. ‘22 Section 2054; Civ. C. ‘12 Section 1161; Civ. C. ‘02 Section 837; G. S. 656; R. S. 717; 1839 (11) 39; 1989 Act No. 156, Section 1.

Library References

Sheriffs and Constables 78.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Section 66.

Attorney General’s Opinions

Section 23‑15‑20 requires every County Sheriff to preserve as public records certain books relating to the conduct of their official duties, and the transfer of supervision over these records may not be transferred to anyone else without a statutory change. 1976‑77 Op. Atty Gen, No. 77‑396, p 324.

NOTES OF DECISIONS

In general 1

1. In general

For additional related cases, see Miller v Hall (1841) 28 SCL 1. Secrist v Twitty (1841) 26 SCL 255. Boulware v Witherspoon (1854) 28 SC Eq 450. State v Commissioners of Public Bldgs. (1847) 33 SCL 149. Daniel v Harley (1847) 34 SCL 231. State use of Taylor v Easterling (1844) 30 SCL 310. Elfe v Gadsden (1846) 32 SCL 225. Farrow v Farrow (1911) 88 SC 333, 70 SE 459.

A witness warrant issued by a magistrate need not be entered on the writ book. Lancaster v. Barnwell County (S.C. 1894) 40 S.C. 445, 19 S.E. 74.

**SECTION 23‑15‑30.** Manner in which final process and other papers shall be kept and arranged.

 The sheriff shall keep the mesne and final processes in his office, in suitable boxes and in separate apartments. Final process shall be arranged alphabetically in the defendants’ names, in boxes labelled with appropriate letters. The miscellaneous papers shall be arranged under suitable titles and labels, such as “Attachment Bonds,” “Bail Bonds,” “Bonds for the Delivery of Property,” “Money Bonds,” etc.

HISTORY: 1962 Code Section 53‑193; 1952 Code Section 53‑193; 1942 Code Section 3511; 1932 Code Section 3511; Civ. C. ‘22 Section 2054; Civ. C. ‘12 Section 1161; Civ. C. ‘02 Section 837; G. S. 656; R. S. 717; 1839 (11) 39.

Library References

Sheriffs and Constables 78.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Section 66.

**SECTION 23‑15‑40.** Service of process, orders and notices; penalties for default.

 The sheriff or his regular deputy, on the delivery thereof to him, shall serve, execute and return every process, rule, order or notice issued by any court of record in this State or by other competent authority. If the sheriff shall make default herein he shall be subject to rule and attachment as for a contempt and he shall also be liable to the party injured in a civil suit.

HISTORY: 1962 Code Section 53‑194; 1952 Code Section 53‑194; 1942 Code Section 3520; 1932 Code Section 3520; Civ. C. ‘22 Section 2063; Civ. C. ‘12 Section 1170; Civ. C. ‘02 Section 845; G. S. 660; R. S. 725; 1784 (7) 209; 1791 (7) 263; 1808 (5) 571; 1839 (11) 41; 1874 (15) 645.

CROSS REFERENCES

Duty of sheriff to serve process issued by probate judge in proceedings for sale of real estate to pay debts of decedent, see Sections 62‑3‑1301 et seq.

Provisions requiring sheriff to serve and execute orders and processes issued by the Court of Appeals, see Section 14‑8‑130.

Library References

Sheriffs and Constables 87.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Sections 80 to 88.

NOTES OF DECISIONS

In general 1

1. In general

As to service of process, see Osborne v Huger (1791) 1 SCL 179. Stewart & Co. v Childs (1794) 1 SCL 362. Executor of Shoolbred v Postell (1807) 4 SCL 201. Executors of Grimke v Mayrant (1807) 4 SCL 202. May v Walters (1823) 13 SCL 470. Miller v Hall (1841) 28 SCL 1. Richardson v Croft (1829) 17 SCL 264. McWorter v Reid (1833) 19 SCL 368. Solomon v Richardson (1833) 19 SCL 396. Wood v Crosby (1834) 20 SCL 520. Moore & Davis v Byne (1844) 30 SCL 94. Wallace v Prince (1832) 37 SCL 177. Ervin v Scott (1867) 49 SCL 12.

As to return of process, see Administrators of Huger v Osborne (1793) 1 SCL 319. Wilder v Grimke (1808) 4 SCL 261. Graves v Belser (1818) 10 SCL 125. City Council of Charleston v Price (1821) 12 SCL 299. De Villers v Ford (1822) 13 SCL 144. Mathewson v Moore (1823) 13 SCL 315. Wotton v Parsons (1827) 15 SCL 368. Mills v Kennedy (1828) 17 SCL 17. Saunders v Bobo (1831) 18 SCL 492. Saunders v Hughes (1831) 18 SCL 504. Jeannerett v Radford (1830) 9 SC Eq 469. State v Wylie (1841) 27 SCL 1. Treasurers of South Carolina for State v Sureties of Hilliard (1832) 42 SCL 412 (ovrld on other grounds by McCall v Batson, 285 SC 243, 329 SE2d 741). Farrar v Barnes (1859) 46 SCL 224. Dawson v Dewan (1860) 46 SCL 499. Bancroft, Leman & Co. v Sinclair (1860) 46 SCL 617. National Bank of Newberry v Kinard (1888) 28 SC 101, 5 SE 464.

As to execution of process, see State v Thackam (1794) 1 SCL 358. Greenwood v Executors of Colcock (1796) 2 SCL 67. Cholett v Hart (1798) 2 SCL 156. Commissioners of Treasury v Hart (1805) 3 SCL 492. Ross v M’Cartan (1805) 3 SCL 507. Ford v Treasurer (1818) 10 SCL 234. Walton v Deignan (1820) 11 SCL 248. Graham v Allen (1820) 11 SCL 492. Sims v Campbell (1825) 6 SC Eq 53. Degraffenreid v Mitchell (1826) 14 SCL 506. Wilks & Co. v Hasket (1824) 16 SCL 490. Perry v Williams (1828) 17 SCL 10. Steedman v Keith (1830) 17 SCL 476. Ex parte Black (1830) 18 SCL 8. Graham v Durant (1834) 20 SCL 517. Thomas v Aitken (1838) 23 SCL 292. Johnson v M’Ilwain (1839) 24 SCL 368. Cauble v Hoke (1842) 28 SCL 168. Broughton v Broughton (1851) 38 SCL 491. Bachman v Sulzbacher (1874) 5 SC 58. State v Moseley (1878) 10 SC 1. State ex rel. Detheridge v Gilreath (1881) 16 SC 100. Bragg v Thompson (1883) 19 SC 572. Goodgion v Gilreath (1890) 32 SC 388, 11 SE 207. Rogers v Marlborough County (1890) 32 SC 555, 11 SE 383. Burnett v Gentry (1890, SC) 11 SE 96.

**SECTION 23‑15‑45.** Service of arrest warrants on incarcerated inmates; statewide jurisdiction.

 A sheriff is invested with statewide territorial jurisdiction to serve upon an inmate incarcerated at a state correctional institution or local detention facility an arrest warrant issued by a magistrate of a county who has been granted, by written order of the Chief Justice of the Supreme Court of South Carolina, statewide territorial jurisdiction to dispose of qualified criminal cases.

HISTORY: 2002 Act No. 348, Section 3.

Library References

Sheriffs and Constables 87.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Sections 80 to 88.

**SECTION 23‑15‑50.** Arrest of persons against whom process issued; bail.

 The sheriff or his deputy shall arrest all persons against whom process for that purpose shall issue from any competent authority commanding such person to be taken into custody or requiring him to give bond, with security. If the party so arrested, being entitled to bail, shall give it or shall give the bond with security required, such person shall be released; and if not, he shall be kept in custody until discharged from confinement according to law.

HISTORY: 1962 Code Section 53‑197; 1952 Code Section 53‑197; 1942 Code Section 3525; 1932 Code Section 3525; Civ. C. ‘22 Section 2068; Civ. C. ‘12 Section 1175; Civ. C. ‘02 Section 850; G. S. 665; R. S. 730; 1839 (11) 42.

CROSS REFERENCES

Peace officers assisting in enforcement of fish and game laws, see Section 50‑1‑80.

Powers of municipal police officers in enforcing State liquor laws, see Section 61‑6‑4510.

Library References

Arrest 63.2.

Sheriffs and Constables 86.

Westlaw Topic Nos. 35, 353.

C.J.S. Arrest Section 15.

C.J.S. Sheriffs and Constables Sections 66 to 79.

LAW REVIEW AND JOURNAL COMMENTARIES

Police Discretion and Equal Protection. 14 SC LQ 472.

Attorney General’s Opinions

Officer may serve warrants on college campuses provided he has jurisdiction within county. There is no legal requirement that courtesy measures be adhered to. 1984 Op. Atty Gen, No. 84‑3, p. 18.

State‑wide legislation is required for Sheriffs of individual counties in South Carolina to be empowered to accept bond for traffic violations. 1976‑77 Op. Atty Gen, No. 77‑258, p 193.

NOTES OF DECISIONS

In general 1

1. In general

As to custody, see Smith v Hart (1802) 2 SCL 395. M’Lain v Hayne (1812) 5 SCL 291. Prather v Clarke (1813) 5 SCL 393. Yates v Yeaden (1826) 15 SCL 18. Boyce v Barksdale (1827) 15 SCL 141. Baker v Deliesseline (1827) 15 SCL 372. Walton v Oswald (1828) 15 SCL 501. Harvey v Huggins (1831) 18 SCL 252. Treasurers for Goldsmith v M’Dowell (1833) 19 SCL 184. Akin v Moore (1833) 19 SCL 432. Thomasson v Kerr (1842) 27 SCL 340. Burns v Brian (1842) 28 SCL 131. Berry v Hoke (1844) 30 SCL 76. State for Kelsey & Halstead v Rosborough (1845) 31 SCL 241. Hyams v Michel (1832) 37 SCL 303. Cook v Irving (1850) 35 SCL 204. Menude v Butler (1851) 39 SCL 440. State v Halford (1852) 40 SCL 58. Irving v Robertson (1852) 40 SCL 228. State v Sellers (1854) 41 SCL 368. Conyers v Rhame (1957) 45 SCL 60. Farrar v Barnes (1859) 46 SCL 224.

As to arrest and bail, see Teasdale v Kennedy (1793) 1 SCL 322. Teasdale v Hart (1798) 2 SCL 173. Atkinson v Martin (1805) 3 SCL 481. Laval v Gell (1809) 4 SCL 265. Blanding v Rogers (1810) 4 SCL 394. Pepoon v Mooney (1817) 8 SCL 314. Arthur v Antonio (1818) 10 SCL 251. Jones v Blair (1827) 15 SCL 281. State v Le Cerf (1830) 17 SCL 410. Saunders v Hughes (1831) 18 SCL 504. Treasurers v Barksdale (1833) 19 SCL 272. Poole v Vernon (1835) 20 SCL 667. Brissac v Moorer (1838) 23 SCL 228. Chiswell v Ellzey (1838) 24 SCL 29. Berry v Hoke (1844) 30 SCL 76. Glover v Gomillion (1846) 31 SCL 554. Dickison v Coward (1846) 37 SCL 49. Rosenberg v McKain (1846) 37 SCL 145. Bennett v Brown (1846) 32 SCL 303. Moyers v Center (1848) 33 SCL 439. Simonton v Yongue (1847) 34 SCL 538. Bennett v Brown (1848) 39 SCL 347. Ervin v Scott (1867) 49 SCL 12. Ware v Miller (1877) 9 SC 13.

**SECTION 23‑15‑60.** Breaking into house to arrest person or seize goods.

 It shall be lawful for the sheriff or his deputy to break and enter any house, after request and refusal, to arrest the person or to seize the goods of anyone in such house; provided, such sheriff or his deputy have process requiring him to arrest such person or seize such goods.

HISTORY: 1962 Code Section 53‑198; 1952 Code Section 53‑198; 1942 Code Section 3527; 1932 Code Section 3527; Civ. C. ‘22 Section 2070; Civ. C. ‘12 Section 1177; Civ. C. ‘02 Section 852; G. S. 669; R. S. 732; 1839 (11) 43.

CROSS REFERENCES

Enforcement of statute regarding persons entering premises after warning or refusing to leave on request, see Section 16‑11‑620.

Searches and seizures and invasions of privacy, see SC Const, Art 1, Section 10.

Library References

Sheriffs and Constables 86.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Sections 66 to 79.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Probation, Parole, and Pardon Section 7, General Powers and Duties.

Forms

Am. Jur. Pl. & Pr. Forms Searches and Seizures Section 1 , Introductory Comments.

LAW REVIEW AND JOURNAL COMMENTARIES

Police Discretion and Equal Protection. 14 SC LQ 472.

NOTES OF DECISIONS

In general 1

1. In general

Cited in Miller v. U. S., U.S.Dist.Col.1958, 78 S.Ct. 1190, 357 U.S. 301, 2 L.Ed.2d 1332.

**SECTION 23‑15‑70.** Call out for assistance or posse comitatus; penalty for refusing to assist.

 Any sheriff, deputy sheriff, constable or other officer specially empowered may call out the bystanders or posse comitatus of the proper county to his assistance whenever he is resisted or has reasonable grounds to suspect and believe that such assistance will be necessary in the service or execution of process in any criminal case and any deputy sheriff may call out such posse comitatus to assist in enforcing the laws and in arresting violators or suspected violators thereof. Any person refusing to assist as one of the posse comitatus in the service or execution of such process, when required by the sheriff, deputy sheriff, constable or other officer shall be liable to be indicted therefor and upon conviction shall be fined and imprisoned, at the discretion of the court any person who shall fail to respond and render assistance when summoned by a deputy sheriff to assist in enforcing the laws and in arresting violators or suspected violators thereof shall be guilty of a misdemeanor and, upon conviction shall be fined not less than thirty nor more than one hundred dollars or imprisoned for thirty days.

HISTORY: 1962 Code Section 53‑199; 1952 Code Section 53‑199; 1942 Code Sections 1382, 1952, 3493; 1932 Code Sections 1382, 1952, 3493; Civ. C. ‘22 Section 2038; Cr. C. ‘22 Sections 312, 328, 934; Cr. C. ‘12 Sections 322, 936; Cr. C. ‘02 Sections 235, 650; G. S. 2569, 2702; R. S. 200, 537; 1839 (11) 52; 1871 (15) 560; 1912 (27) 865.

Library References

Sheriffs and Constables 27.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Section 49.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Probation, Parole, and Pardon Section 7, General Powers and Duties.

Attorney General’s Opinions

A sheriff is not authorized to exercise the power of posse comitatus to grant municipal police officers law enforcement authority in unincorporated areas of a county. Instead, there are various provisions of law which would authorize activity by law enforcement officers outside their regular jurisdiction pursuant to an agreement between the affected jurisdictions. There appears to be no authority for a sheriff, even in an emergency situation, to respond in ways such as closing liquor stores or halting the sale of firearms. 1987 Op. Atty, Gen, No. 87‑67, p 164.

NOTES OF DECISIONS

In general 1

1. In general

English common law, which remains the law of South Carolina unless changed by statute, authorized a sheriff to summon bystanders to assist him in apprehending felons. The sheriff’s authority is implicitly recognized in this section, which empowers a deputy sheriff to call out a posse comitatus to assist in arresting suspected violators of the law, and it is apparent that this section supplements, rather than supersedes, the common law. To hold otherwise would irrationally confer on a deputy sheriff powers greater than the sheriff’s. Scott v. Vandiver (C.A.4 (S.C.) 1973) 476 F.2d 238.

**SECTION 23‑15‑80.** Attending circuit courts; service of rule of court or writ of attachment for contempt thereof; costs.

 The sheriffs or their deputies shall attend all the circuit courts that may be held within their respective counties and enforce such rules as such courts may establish. During the term time of any such court any sheriff or his deputy shall serve any rule of such court or writ of attachment for any contempt thereof on any party or witness in any part of this State. The party moving for such service shall be liable to pay such sheriff the costs in cash for such service on the return of such rule or writ of attachment.

HISTORY: 1962 Code Section 53‑200; 1952 Code Section 53‑200; 1942 Code Section 3519; 1932 Code Section 3519; Civ. C. ‘22 Section 2062; Civ. C. ‘12 Section 1169; Civ. C. ‘02 Section 844; G. S. 629; R. S. 724; 1839 (11) 44; 1894 (21) 713.

Library References

Sheriffs and Constables 95.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Section 68.

**SECTION 23‑15‑90.** Summoning constables to attend court.

 The sheriff shall summon the requisite number of constables, not exceeding five, to attend the court of common pleas and general sessions and provide a staff for each of them and he shall make a return of such summons to the clerk of court.

HISTORY: 1962 Code Section 53‑201; 1952 Code Section 53‑201; 1942 Code Section 3517; 1932 Code Section 3517; Civ. C. ‘22 Section 2060; Civ. C. ‘12 Section 1167; Civ. C. ‘02 Section 843; G. S. 658; R. S. 723; 1839 (11) 45; 1894 (21) 713; 1916 (29) 806.

Library References

Sheriffs and Constables 95.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Section 68.

**SECTION 23‑15‑100.** Execution of orders of county governing bodies.

 Sheriffs and deputy sheriffs shall execute all legal orders to them directed by the governing bodies of the several counties or the chairman thereof and shall receive therefor the same fees and costs allowed in other cases.

HISTORY: 1962 Code Section 53‑203; 1952 Code Section 53‑203; 1942 Code Section 3862; 1932 Code Section 3862; Civ. C. ‘22 Section 1103; Civ. C. ‘12 Section 982; Civ. C. ‘02 Section 797; R. S. 679; 1893 (21) 489.

Library References

Sheriffs and Constables 86.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Sections 66 to 79.

**SECTION 23‑15‑110.** Practicing law or serving as clerk of court.

 No sheriff, deputy sheriff or sheriff’s clerk, while in office, shall act as an attorney at law or solicitor in equity in his own name or in the name of any other person or be allowed to plead or practice in any of the courts in this State, nor shall any such officer hold the office of clerk of the court of common pleas and general sessions.

HISTORY: 1962 Code Section 53‑204; 1952 Code Section 53‑204; 1942 Code Section 3485; 1932 Code Section 3485; Civ. C. ‘22 Section 2031; Civ. C. ‘12 Section 1145; Civ. C. ‘02 Section 829; G. S. 651; R. S. 712; 1839 (11) 41.

CROSS REFERENCES

Regulation of the practice of law, see Sections 40‑5‑310 et seq.

Library References

Attorney and Client 4.

Clerks of Courts 4.

Westlaw Topic Nos. 45, 79.

C.J.S. Attorney and Client Sections 15 to 18.

C.J.S. Courts Section 239.

NOTES OF DECISIONS

In general 1

1. In general

Stated in Pelfrey v. Oconee County (S.C. 1945) 207 S.C. 433, 36 S.E.2d 297.

Cited in State v. Boyles (S.C. 1908) 80 S.C. 352, 60 S.E. 233.

**SECTION 23‑15‑120.** Coroner to serve or execute process on sheriff in certain circumstances.

 If the sheriff shall be a party plaintiff or defendant in any judicial process, execution, warrant, summons or notice to be served or executed within his county, the coroner shall serve or execute such process, execution, warrant, summons or notice. In the discharge of such duties he shall incur such liabilities as would by law attach to their performance by the sheriff himself.

HISTORY: 1962 Code Section 53‑205; 1952 Code Section 53‑205; 1942 Code Sections 3477, 3566; 1932 Code Sections 3477, 3566; Civ. C. ‘22 Sections 2026, 2111; Civ. C. ‘12 Sections 1140, 1290; Civ. C. ‘02 Sections 824, 892; G. S. 646, 712; R. S. 707, 763; 1785 (7) 215; 1839 (11) 78.

CROSS REFERENCES

Directing execution to coroner when the sheriff is a party or interested, see Section 15‑39‑80.

Library References

Coroners 8.

Westlaw Topic No. 100.

C.J.S. Coroners and Medical Examiners Sections 8 to 9.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Coroners Section 5, Authority to Carry a Pistol.

NOTES OF DECISIONS

In general 1

1. In general

For related cases, see Wm. S. Miller & Co. v Yeardon (1825) 14 SCL 11. State v Irby (1836) 26 SCL 485. Cauble v Hoke (1842) 28 SCL 168. McBee v Hoke (1843) 29 SCL 138.

**SECTION 23‑15‑130.** Filing statements of money collected.

 Each sheriff shall on the first Tuesday in every month or within ten days afterwards make in writing to the county auditor and treasurer a full and accurate statement of all moneys collected by him on account of licenses, fines, penalties or forfeitures during the past month and in default thereof, upon conviction, shall be liable to a fine of not exceeding one hundred dollars or imprisonment in the county jail not exceeding two months, or both, at the discretion of the court.

HISTORY: 1962 Code Section 53‑206; 1952 Code Section 53‑206; 1942 Code Section 1539; 1932 Code Section 1539; Cr. C. ‘22 Section 486; Cr. C. ‘12 Section 559; Cr. C. ‘02 Section 402; G. S. 700; R. S. 319; 1878 (16) 753.

Library References

Sheriffs and Constables 86.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Sections 66 to 79.

Attorney General’s Opinions

When money is turned over to the Sheriff’s Department by a citizen who happened to find the money, the Department should hold the money for a reasonable period and then petition the Court of Common Pleas for an Order declaring the proper disposition of the funds. 1976‑77 Op. Atty Gen, No. 77‑248, p 183.

**SECTION 23‑15‑135.** Restrictions on public officials and law enforcement officers as to providing food, product, or services to prisoners for personal income; application of procurement codes.

 No public official, public member, or public employee who is a law enforcement officer or official, may derive any personal income from providing food or any other product or service to a prisoner after July 1, 1992, unless the food, product, or service is provided to a procuring entity by the law enforcement officer or official pursuant to requirements of the South Carolina Consolidated Procurement Code which the procuring entity must follow in making the procurement unless it has its own procurement code in which case its own procurement code provisions must be followed.

HISTORY: 1992 Act No. 520, Section 3.

**SECTION 23‑15‑140.** Badges for sheriffs and deputy sheriffs.

 (A) The purpose of this section is to provide for uniformity among sheriffs and deputy sheriffs, and to aid the public in identifying a sheriff and deputy sheriff.

 (B) A badge that consists of or incorporates the shape of a five‑pointed or six‑pointed star with a replica of the Great Seal of South Carolina inscribed in its center is the official badge to be worn by all sheriffs and deputy sheriffs throughout the State.

 (C) It is unlawful for a person who is not a sheriff or deputy sheriff to present himself as such by wearing or presenting the official badge described in subsection (A).

 (D) A person who violates the provisions of this section, upon conviction, must be fined not more than one hundred dollars, or imprisoned not more than thirty days.

HISTORY: 2001 Act No. 109, Section 2.