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.

**SECTION 23‑15‑30.** Manner in which final process and other papers are 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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**SECTION 23‑15‑135.** Restrictions on public officials and law enforcement officers.

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.