



ALAN WILSON
ATTORNEY GENERAL

April 18, 2013

Mark Keel, Chief
State Law Enforcement Division
P.O. Box 21398
Columbia, SC 29221-1398

Dear Chief Keel:

We received your request for an opinion of this Office regarding the authority of National Park Service Rangers (“Rangers”) at a National Park site to issue South Carolina Uniform Traffic Tickets (“UTT”) for violations on federal property. You indicate there are currently five (5) National Park Service units in South Carolina: Congaree National Park, King’s Mountain National Battlefield, Cowpens National Battlefield, Fort Sumter National Monument, and Ninety-Six National Historic Site. The question is whether Rangers may issue UTTs for violations at these sites and prosecute such violations in county magistrate courts rather than in federal court.

The statutory provisions creating and prescribing the uses of the UTT are contained in S.C. Code Ann. §§56-7-10 and -15. Section 56-7-10 reads, in pertinent part, that “[t]here will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses” and for certain additional offenses listed therein. Section 56-7-15 provides that a uniform traffic ticket may be used by ‘law enforcement officers to arrest a person for an offense committed in the presence of a law enforcement officer if the punishment is within the jurisdiction of magistrate’s court and municipal court.’”

We note, however, that “law enforcement officer” is not defined in Article 7 of Title 56 of the South Carolina Code. Neither is the term defined specifically in any other article of Title 56. To find a general definition of “law enforcement officer” within the Code, we have previously noted that for purposes of authority to issue a UTT, §23-23-10(E)(1) provides that “law enforcement officer” means “an appointed officer or employee hired by and regularly on the payroll of the State or any of its political subdivisions, who is granted statutory authority to enforce all or some of the criminal, traffic, and penal laws of the State and who possesses, with respect to those laws, the power to effect arrests for offenses committed or alleged to have been committed.” [Emphasis added]. See, e.g., *Ops. S.C. Atty. Gen.*, April 19, 2012 (2012 WL 1561867); November 8, 2000 (2000 WL 1803586); cf. *State v. Brant*, 278 S.C. 188, 293 S.E.2d 703, 704 (1982) [South Carolina Supreme Court recognized that a security guard is granted authority identical to that of a sheriff on the property he is hired to protect and would thus be considered a “law enforcement officer” as used in §56-7-10].

Consistent with the above authority, it is the opinion of this Office that Rangers would not be within the definition of the term ‘law enforcement officer’ as used in §56-7-10, *i.e.*, “an appointed officer

. . . hired by and regularly on the payroll of the State or any of its political subdivisions.” Therefore, Rangers would not be authorized to issue UTTs on federal property. Because Rangers have no such authority pursuant to §56-7-10, we need not address your other question regarding Rangers’ authority to prosecute UTTs in county magistrate courts.

You further note §23-1-212(B), which provides that:

[a] federal law enforcement officer is authorized to enforce criminal laws within the State when:

- (1) the federal law enforcement officer is asked by the head of a state or local law enforcement agency or his designee to provide the agency temporary assistance and the request is within the scope of the state or local law enforcement agency's subject matter and territorial jurisdiction;
- (2) the federal law enforcement officer is asked by a state or local law enforcement officer to provide him temporary assistance when the state or local law enforcement officer is acting within the scope of his subject matter and territorial jurisdiction; or
- (3) a felony or misdemeanor is committed in the federal law enforcement officer's presence or under circumstances indicating a crime has been freshly committed.

Pursuant to §23-1-212(A), a “federal law enforcement officer” means “the following persons who are employed as full-time law enforcement officers by the federal government and who are authorized to carry firearms while performing their duties: . . . (12) National Park Service Rangers.”¹

Significantly, subsection (C) provides that:

[a] federal law enforcement officer acting pursuant to [§23-1-212]:

- (1) has the same powers as a South Carolina law enforcement officer;
- (2) is not an officer, employee, or agent of a state or local law enforcement agency;
- (3) cannot initiate or conduct an independent investigation into a violation of South Carolina law . . . [Emphasis added].

¹The 2009 amendment to §23-1-212 added “National Park Service Rangers” to the definition of a “federal law enforcement officer.”

The cardinal rule of statutory construction is to ascertain and effectuate the intent of the Legislature. Hodges v. Rainey, 341 S.C. 79, 533 S.E.2d 578, 581 (2000). All rules of statutory construction are subservient to the maxim that legislative intent must prevail if it can be reasonably discovered in the language used. McClanahan v. Richland County Council, 350 S.C. 433, 567 S.E.2d 240, 242 (2002). A statute's language must be construed in light of the intended purpose of the statute. Id. Whenever possible, legislative intent should be found in the plain language of the statute itself. Whitner v. State, 328 S.C. 1, 492 S.E.2d 777, 779 (1997). "Where the statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning." Hodges, 533 S.E.2d at 581; see also Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E. 2d 166, 168 (1966) ["There is no safer nor better rule of interpretation than when language is clear and unambiguous it must be held to mean what it plainly states"].

While the Legislature enacted legislation authorizing the enforcement of State criminal laws by federal law enforcement officers either (1) at the behest of a state or local law enforcement agency, or (2) when the crime is "committed in the federal law enforcement officer's presence or under circumstances indicating the crime has been freshly committed," we note these federal law enforcement officers are specifically not an "officer, employee, or agent of a state or local law enforcement agency" when exercising such law enforcement authority. Accordingly, this Office advises that "federal law enforcement officers," such as Rangers, while possessing limited State law enforcement authority under §23-1-212, would otherwise not be considered "law enforcement officers" with authority to issue UTTs on federal property pursuant to §56-7-10 and as previously discussed. The strong exclusionary language in §23-1-212(C)(2) expresses the legislative intent in this regard and further supports our conclusion. See Ops. S.C. Atty. Gen., March 4, 2008 (2008 WL 903979); February 8, 2006 (2006 WL 422577).

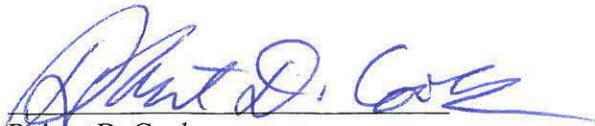
If you have any further questions, please advise.

Very truly yours,



N. Mark Rapoport
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Deputy Attorney General