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The State of South Carolina



Office of the Attorney General

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November 17, 1992

The Honorable John Courson
Senator, District No. 20
P. O. Box 142
Columbia, South Carolina 29202

Dear Senator Courson:

In a letter to this Office you questioned whether a warrant charging an individual with a fraudulent check offense may be executed at the individual's place of business.

I am unaware of any statute which prohibits the lawful arrest of an individual simply because that individual is at his place of business. A prior opinion of this Office, 1973 Op. No. 3608, referenced that pursuant to Article III, Section 14 and S.C. Code Ann. § 17-13-60, legislators and certain other designated individuals are given immunity in specified situations.¹ However, I am

¹Article III, Section 14 states:

The members of both houses shall be protected in their persons and estates during their attendance on, going to and returning from the General Assembly, and ten days previous to the sitting and ten days after the adjournment thereof. But these privileges shall not protect any member who shall be charged with treason, felony or breach of the peace.

An opinion of this Office dated December 21, 1979 indicated that such provision "... contemplates no immunity as to any criminal offense for members of the General Assembly." § 17-13-60 provides:

No person shall be arrested while actually engaged in or attending military or militia duty or going to or returning from such duty, nor while attending, going to or returning

(continued...)

The Honorable John Courson
Page 2
November 17, 1992

unaware of any specific immunity for an individual at his place of business.

With kind regards, I am

Very truly yours,



Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions

¹(...continued)

from any court, as party or witness or by order of the court, except for treason, felony or breach of the peace. But in any such case process may be served without actual arrest of body or goods.