

1976 S.C. Op. Atty. Gen. 227 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4390, 1976 WL 23008

Office of the Attorney General

State of South Carolina

Opinion No. 4390

July 9, 1976

***1 In Re: Police Chief, Larceny, Disqualification**

Clifford A. Moyer, Esquire
Executive Director
South Carolina Criminal
Justice Academy
5400 Broad River Road
Columbia, South Carolina 29210

Dear Mr. Moyer:

You have inquired whether or not one convicted of larceny many years ago while in military service [presumably under Federal law] may be appointed to the position of municipal chief of police.

The Constitution of South Carolina [Article 16, Section 1] provides:

‘No person shall be elected or appointed to any office in this State unless he possess the qualifications of an elector:—.’

It has been held many times by this Office that the position of police chief is an ‘office’ as opposed to mere employment.

Section 23–62, 1962 Code of Laws of South Carolina, as amended, states that conviction of larceny disqualifies a person from being an elector.

Such disqualification may be removed by pardon. [Section 23–62(5)(b)].

In view of the foregoing, it is the opinion of this Office that a person who has been convicted of larceny [and who has not been pardoned] is disqualified from holding the position of municipal police chief.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

1976 S.C. Op. Atty. Gen. 227 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4390, 1976 WL 23008