

1976 S.C. Op. Atty. Gen. 380 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4518, 1976 WL 23135

Office of the Attorney General

State of South Carolina

Opinion No. 4518

November 12, 1976

*1 James M. Morris, Esquire
Attorney at Law
20 South Brooks Street
Manning, South Carolina 29102

Dear Mr. Morris:

You have requested that we advise you whether, in our opinion, a state highway patrolman, upon the arrest of a defendant for the offense of disorderly conduct, is required to obtain an arrest warrant or may simply serve on the defendant a uniform traffic ticket. In your letter, you state that you ‘can find no . . . statute which authorizes the issuance of a traffic summons for an arrest and trial of one charged with disorderly conduct.’

A state highway patrolman, we think, need not obtain an arrest warrant for a person whom he arrests for disorderly conduct. He may, if he chooses, issue a uniform traffic ticket because the offense of disorderly conduct is expressly designated by the statute relating to the issuance of a uniform traffic ticket and prescribing its form as an offense for which such a ticket may be issued. Under the offense code portion of the ticket it is designated as Offense No. 86. *See*, S. C. Code Annot., § 46 871 (Cum. Supp. 1976). Of course, the issuance of a uniform traffic ticket by a patrolman is sufficient to confer jurisdiction upon the magistrate to entertain the action. 1971–1972 OP.ATTY.GEN. No. 3269 at 68; see also, [State v. Fennell](#), 263 S.C. 216, 209 S.E.2d 433 (1974).

Kind regards,

C. Tolbert Goolsby, Jr.

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