



ALAN WILSON  
ATTORNEY GENERAL

March 6, 2018

Leon C. Harmon  
County Attorney for Anderson County  
PO Box 8002  
Anderson, SC 29622-8002

Dear Mr. Harmon:

We received your request seeking an opinion on the jurisdiction of municipal police officers to serve as school resource officers outside of the geographic boundaries of a municipality. The following opinion sets out our understanding of your question and our response.

**Issue** (as quoted from your letter):

1. Does S.C. Code Ann. § 5-7-12 allow a municipality to provide school resource officers to schools outside the geographical limits of the municipality?
2. If the answer to question 1 above is in the affirmative, are there any geographic restrictions on a municipality providing school resource officers to a school district?

**Law/Analysis:**

It is the opinion of this Office that a court faced with the question presented in your letter most likely would conclude that Section 5-7-12 is not intended to extend the jurisdiction of municipal officers such that they may routinely be stationed at schools outside their municipality merely by virtue of their status as municipal officers. *See* S.C. Code Ann. § 5-7-110 (2004).

Section 5-7-110 of the South Carolina Code establishes the jurisdiction of municipal police officers, and states in relevant part:

Any such police officers shall exercise their powers on all private and public property within the corporate limits of the municipality and on all property owned or controlled by the municipality wheresoever situated; provided, that the municipality may contract with any public utility, agency or with any private business to provide police protection beyond the corporate limits. Should the municipality provide police protection beyond its corporate limits by contract, the legal description of the area to be served shall be filed with the State Law Enforcement Division, the office of the county sheriff and the Department of Public Safety.

S.C. Code Ann. § 5-7-110 (2004) (emphasis added). Therefore, while municipal police jurisdiction might be extended by contract, in the absence of such a contract, jurisdiction does not extend beyond municipal limits (absent some other legal principle, such as hot pursuit). *Id.*

Section 5-7-12 describes law enforcement serving as school resource officers ("SROs") and states in relevant part:

(A) The governing body of a municipality or county may upon the request of another governing body or of another political subdivision of the State, including school districts, designate certain officers to be assigned to the duty of a school resource officer and to work within the school systems of the municipality or county. The person assigned as a school resource officer shall have statewide jurisdiction to arrest persons committing crimes in connection with a school activity or school-sponsored event.

S.C. Code Ann. § 5-7-12 (Supp. 2017) (emphasis added).

Because the office of municipal police officer is a creature of statute which did not exist under the common law, a court faced with the questions presented in your letter most likely would rely on established rules of statutory construction to give effect to the legislative intent of the statutory sections set out above. *See Richardson v. Town of Mount Pleasant*, 350 S.C. 291, 298, 566 S.E.2d 523, 527 (2002) (discussing the office of municipal police officer as a creature of statute). As this Office has previously opined:

The cardinal rule of statutory construction is to ascertain and effectuate the legislative intent whenever possible. *State v. Morgan*, 352 S.C. 359, 574 S., E.2d

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203 (Ct. App. 2002) (citing *State v. Baucom*, 340 S.C. 339, 531 S.E.2d 922 (2000)). All rules of statutory interpretation are subservient to the one that legislative intent must prevail if it can be reasonably discovered in the language used, and that language must be construed in light of the intended purpose of the statute. *State v. Hudson*, 336 S.C. 237, 519 S.E.2d 577 (Ct. App. 1999).

*Op. S.C. Att'y Gen.*, 2005 WL 1983358 (July 14, 2005). The South Carolina Supreme Court also has held that:

However plain the ordinary meaning of the words used in a statute may be, the courts will reject that meaning, when to accept it would lead to a result so plainly absurd that it could not possibly have been intended by the Legislature, or would defeat the plain legislative intention; and if possible will construe the statute so as to escape the absurdity and carry the intention into effect.

*State ex rel. McLeod v. Montgomery*, 244 S.C. 308, 314, 136 S.E.2d 778, 782 (1964) (quoting *Stackhouse v. County Board*, 86 S.C. 419, 68 S.E. 561 (1910).).


Turning to the text of Section 5-7-12 and 5-7-110, we believe that a court would conclude that the evident intent is for a city or county government to be able to place their officers in their schools, and for such officers' jurisdiction to extend as necessary to adequately address the special nature of school activities. See S.C. Code Ann. § 5-7-12 (Supp. 2017) (a "school resource officer shall have statewide jurisdiction to arrest persons committing crimes in connection with a school activity or school-sponsored event") (emphasis added). However, it appears that the statute contemplates extension of preexisting jurisdiction; not creation of an entirely new jurisdiction. See *id.* For instance, in the event that a Columbia-area school football team traveled to Charleston for an away game, it appears that, per Section 5-7-12, the arrest jurisdiction of the SRO assigned to the Columbia-area school would travel with those students while they are engaged in that school-sponsored event. See *id.* But we do not believe that a court would conclude that the statute would allow, for example, a City of Columbia officer to serve as an SRO in a Charleston school by virtue of the "statewide jurisdiction" language given that a municipal officer's jurisdiction is limited to the geographic boundaries of the municipality. See S.C. Code Ann. § 5-7-110 (2004).

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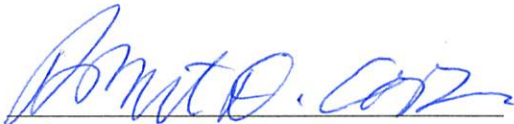
**Conclusion:**

In conclusion, for the reasons set forth above, it is the opinion of this Office that absent some appropriate contract pursuant to S.C. Code 5-7-110, a court faced with the questions presented in your letter would conclude that a municipal police officer may not serve as a SRO in a school outside of the geographic limits of the municipality. *See* S.C. Code Ann. § 5-7-110 (2004) & *discussion, supra*.

Sincerely,

  
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David S. Jones  
Assistant Attorney General

REVIEWED AND APPROVED BY:

  
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Robert D. Cook  
Solicitor General