

1974 S.C. Op. Atty. Gen. 324 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3892, 1974 WL 21389

Office of the Attorney General

State of South Carolina

Opinion No. 3892

November 21, 1974

**\*1 The shooting of dogs by police officers or citizens is not countenanced by law unless done to protect the safety of people or property.**

Attorney at Law

Cheraw, S. C.

You have made several inquires relative to the legality of the shooting of dogs within a municipality.

I.

DOES A MUNICIPAL POLICE OFFICER HAVE THE AUTHORITY TO AUTHORIZE THE OWNER OR OPERATOR OF A BUSINESS ESTABLISHMENT WITHIN THE MUNICIPALITY TO SHOOT DOGS THAT COME ON THE PREMISES OF THE ESTABLISHMENT?

No law enforcement officer may delegate any authority he possesses as a police officer to another person—except that an officer is empowered by statute to call upon bystanders to assist him in making a lawful arrest or in defending himself against an unlawful assault.

It follows that even if it were lawful for a police officer to shoot a dog in the circumstances outlined above, such authority could not be given by the officer to another person.

II.

IS IT LAWFUL FOR A POLICE OFFICER OF A MUNICIPALITY TO SHOOT DOGS THAT STRAY UPON THE PREMISES OF PERSONS WHO OBJECT TO THEIR PRESENCE?

The promiscuous shooting of dogs, whether such dogs are licensed or not, is unlawful unless specifically permitted by statute. only one State statute relative to the subject has come to my attention. Ref.: Sec. 6–101, *et seq.*, 1962 Code of Laws of South Carolina, relating to dogs ‘worrying or killing any sheep’ and dogs in certain counties [Fairfield, Richland and York] worrying or killing—livestock’.

Many municipalities have ordinances relating to the licensing and restraint [muzzling, penning] of dogs. Any such ordinance, if valid, may be enforced by those designated to do so under a particular ordinance.

CONCLUSION

Unless done under the terms of a specific statute [State law or municipal ordinance], the shooting of dogs by police officers or anyone else is not countenanced by law unless such action is necessary to protect a person from injury or death, or to protect property from an immediate danger of material damage or destruction.

Attention is directed to Section 6-4, 1962 Code of Laws of South Carolina, which reads in part:

‘Whoever—needlessly mutilates, cruelly kills—or inflicts unnecessary pain or suffering upon any animal or causes the same to be done—shall be guilty of a misdemeanor—.’

Joseph C. Coleman  
Deputy Attorney General

1974 S.C. Op. Atty. Gen. 324 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3892, 1974 WL 21389

---

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.