

1973 WL 26623 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 20, 1973

***1 In re: Deputies Sheriff**

Honorable Dan F. Laney, Jr.
Resident Judge
County Court House
Bishopville, South Carolina

Dear Judge Laney:

You have inquired as to the opinion of this Office on the power of sheriffs to appoint deputies for special purposes.

This Office has long been of the opinion that a sheriff is empowered to appoint only the deputies authorized by the county supply bill as full-time, salaried deputies.

In my opinion, the appointment of any other so-called deputy—except statutory industrial deputies—is invalid.

As you realize, I am sure, this problem has a practical as well as a legal facet. Any interpretation that would ‘liberalize’ the powers of sheriffs to appoint nonpay deputies—whether called special, honorary, or by some other terminology—would remove all limitations as a practical matter. It appears to me that sheriffs would welcome a strict interpretation so that they would be relieved of the constant pressure for the appointment of an ever-increasing number of honorary or special deputies. For example, one former sheriff of Richland County had over 3000 honorary deputies, most of whom carried pistols—and, upon occasion, used them.

At any rate, it is the opinion of this Office that sheriffs have authority to appoint only regular, salaried, fulltime deputies.

Sincerely,

Joseph C. Coleman
Deputy Attorney General

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