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CHAPTER 5.

 JAILS AND JAILERS

ARTICLE 1.

 GENERAL PROVISIONS

**SECTION 24‑5‑10.** Sheriff as custodian of jail; sheriff’s liability for appointed jailer; receiving prisoners.

The sheriff shall have custody of the jail in his county and, if he appoint a jailer to keep it, the sheriff shall be liable for such jailer and the sheriff or jailer shall receive and safely keep in prison any person delivered or committed to either of them, according to law.

**SECTION 24‑5‑12.** Devolving certain duties concerning jails on governing body of county.

Notwithstanding the provisions of Section 24‑5‑10 or any other provision of law, the sheriff of any county may, upon approval of the governing body of the county, devolve all of his powers and duties relating to the custody of the county jail and the appointment of a jailer on the governing body of the county; provided, a sheriff who has been defeated in a primary or general election may not devolve said duties on the governing body of the county.

**SECTION 24‑5‑20.** Circumstances necessitating employment of jailer.

Except as otherwise provided every sheriff in this State who does not live in the jail shall employ a proper and discreet person as jailer, who shall live within the jail and who shall not use the house for any other purpose than that for which it was designated by law.

**SECTION 24‑5‑30.** Appointment of jailer.

The sheriff shall appoint such jailer in writing. A copy of such appointment shall be deposited in the office of the clerk of the circuit court of the county wherein such jailer is appointed.

**SECTION 24‑5‑50.** Keeping prisoners committed by coroner.

All sheriffs and jailers are required to receive and keep securely all persons committed by the coroner.

**SECTION 24‑5‑60.** Keeping prisoners committed by United States.

The sheriffs or jailers in the several counties of this State shall keep in safe custody all such prisoners as may be committed to them under the authority of the United States until such prisoners are discharged by due course of law of the United States, under the like penalties as in case of prisoners committed under the authority of this State and upon the terms of the resolution of the Congress of the United States at its session begun and holden on March 4, 1789.

**SECTION 24‑5‑70.** Use of United States prisoners on public works.

The several authorities of the several counties of this State shall use upon the public works of the county such Federal prisoners as are able‑bodied and are serving sentences in the jails of the respective counties under the same rules and regulations as apply to the State prisoners under similar sentences, except that no such Federal prisoners shall be so used upon the public works of any county unless by authority of an act of Congress of the United States.

**SECTION 24‑5‑80.** Blankets and bedding.

The governing body of each county in this State shall furnish, at all times, blankets and such other bedding as shall be necessary for prisoners confined in the jail in the county and prisoners confined on a criminal charge shall be provided with at least two blankets in the winter season.

**SECTION 24‑5‑90.** Discrimination in treatment of prisoners.

It shall be unlawful for sheriffs or jailers to make any discrimination in the treatment of prisoners placed in their custody.

Every violation of this section shall be a misdemeanor and, upon conviction thereof, the person convicted shall be fined not less than twenty‑five dollars and imprisoned for not less than one month nor more than twelve months.

**SECTION 24‑5‑100.** Impressing sufficient guard to secure prisoner accused of capital offense.

When any person accused of a capital offense shall be in custody and the sheriff, acting by himself or his regular deputy, shall have cause to suspect that such person may be unlawfully taken from his custody or will probably effect his escape, he may impress a sufficient guard for securing and keeping safely such prisoner, so long as it may be his duty to keep such prisoner in jail or in his custody.

**SECTION 24‑5‑110.** Return to court of names of prisoners.

Every sheriff shall make a return to every court of general sessions of his county on the first day of the term of the name of every prisoner and the time and cause of his confinement, whether civil or criminal.

**SECTION 24‑5‑120.** Sheriff’s annual report on condition of jail.

Each sheriff shall annually report to the governing body of his county the actual condition of the jail, the repairs which may be wanted and their probable cost.

**SECTION 24‑5‑130.** Leaving jails unattended.

It shall be unlawful for any person charged with the custody of any jail or other place of criminal incarceration to allow such premises at any time when occupied to be unattended by a duly authorized person who shall have access to and be in reasonable communication with the persons therein.

Any person convicted of violating the provisions of this section shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than six months, or both, in the discretion of the court.

**SECTION 24‑5‑140.** Houses of correction for female convicts.

The governing bodies of the several counties in this State may provide and maintain, in connection with the poor farm, a suitable house of correction to which female convicts may be sentenced, except convicts for capital offenses, wherein such convicts shall be employed in useful occupations.

**SECTION 24‑5‑150.** Prisons within industrial communities.

The president, treasurer or other executive officer having the management of any industrial corporation, located in any industrial community in any county in this State, may build or provide a prison or building, at some convenient place in such industrial community, in which arrested persons charged with violation of the law may be confined until such arrested persons can conveniently be carried before the magistrate.

**SECTION 24‑5‑160.** Confinement of persons in industrial community prison.

The police officer or deputy sheriff in an industrial community may confine in such prison or building as the president, treasurer or other executive officer having the management of any industrial corporation may provide in an industrial community any person who may be arrested charged with violation of law until such arrested person can be conveniently carried before a magistrate. But such police officer or deputy sheriff shall not detain any arrested person in such prison longer than eighteen hours, except persons arrested on Saturdays and then not over forty‑two hours. Such police officer or deputy sheriff shall provide water and food and shall also furnish such arrested person with sufficient bedding or clothing to make him comfortable in cold weather.

**SECTION 24‑5‑170.** Removal of prisoners in case of destruction of jail.

When any person shall be apprehended or in confinement according to law in any county in this State wherein the jail may be destroyed by fire or other accident, he shall be committed to the jail nearest the one destroyed for safekeeping. The several jailers in this State, keepers of the jails nearest to those jails that may be destroyed as aforesaid, shall receive and safely keep such person.

ARTICLE 3.

 RESERVE DETENTION OFFICERS

**SECTION 24‑5‑300.** Definitions.

For the purposes of this article:

(1) “Reserve detention officer” means a person assigned part‑time jailer or detention officer duties without being regularly assigned to full‑time jailer or detention officer duties and who serves in that capacity without compensation.

(2) “Director” means the detention director, jail administrator, or other manager employed for the operation of a county, municipal, or multi‑jurisdictional local detention facility.

(3) “Responsible authority” means the sheriff, county administrator, mayor, city manager, or other appropriate official who has legal responsibility for the management of a local detention facility within a particular jurisdiction.

**SECTION 24‑5‑310.** Appointment of reserve detention officers; criminal and background inquiry; oath, bond, and training requirement.

The director, in his discretion, may appoint the number of reserve detention officers approved by the responsible authority, but not exceeding the number of regular full‑time jailers or detention officers funded and employed at the facility, if participation in the reserve detention officer program has been approved by the governing body having jurisdiction over the detention facility. The number of full‑time jailers or detention officers must not be decreased because of the institution or expansion of a reserve force. Each period of time a reserve serves must be determined and specified by the director in writing. The powers and duties of a reserve are subject to the provisions of this article and must be prescribed by the director and approved by the responsible authority.

A reserve is subject to removal by the director at any time. A criminal history inquiry and other appropriate background inquiry must be conducted on an applicant before his selection as a reserve.

Before assuming his duties, a reserve must:

(1) take the oath of office required by law;

(2) be bonded in an amount determined by the governing body of the county, municipality, or other political entity and which must be not less than one thousand five hundred dollars; and

(3) successfully complete the course of training required by this article.

**SECTION 24‑5‑320.** Pre‑service training; comprehensive test.

No reserve shall assume a jailer or detention officer function until he has completed successfully a jail preservice training program approved by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23 and passed a comprehensive test prepared by the South Carolina Criminal Justice Academy and administered by the director of the local detention facility. Within one year of appointment, a reserve must successfully complete a jail operations training program promulgated by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23 in order to be eligible for continuation as a reserve. A reserve who serves more than one year must complete the same annual in‑service training requirements as regular full‑time jailers or detention officers. All training which is provided locally or regionally is subject to review by the South Carolina Law Enforcement Training Council and approval of the South Carolina Criminal Justice Academy.

**SECTION 24‑5‑330.** Physical competence and capability.

Before final acceptance as a reserve, a candidate, at his own expense or through the offices of the doctor of his political entity, shall submit to the director a summary of the results of a current physical examination for the satisfaction of the director concerning physical competence and capability. Other minimum selection standards recognized by law as applicable to full‑time jailers or detention officers also shall apply to reserves.

**SECTION 24‑5‑340.** Additional requirements.

Additional requirements beyond those set out in this article may be imposed by the local political entity through the responsible authority.

Upon request by the director and assurance by the director that minimum requirements have been met, identification cards registering a reserve’s status may be issued by the Department of Public Safety.

**SECTION 24‑5‑350.** Duties of reserve detention officer; supervision.

A reserve shall serve and function as a jailer or detention officer only on specific orders and directions of the director. To maintain status, a reserve shall perform a minimum logged service time of ten hours a month or thirty hours a quarter.

No reserve detention officer shall perform any jailer or detention officer duties except under the direct supervision of a full‑time jailer or detention officer. A reserve shall not assume full‑time duties of jailers or detention officers without complying with the requirements for full‑time jailers and detention officers.

A department utilizing reserves shall have at least one full‑time officer as a coordinator‑supervisor who must be responsible directly to the director.

**SECTION 24‑5‑360.** Additional training to become full‑time jailer or detention officer.

A reserve who has been in active status for at least two years and desires to become a full‑time jailer or detention officer, upon application of his director to the South Carolina Criminal Justice Academy and upon completion of other existing requirements, may be accepted at the South Carolina Criminal Justice Academy for additional hours of training required by the South Carolina Criminal Justice Academy pursuant to Chapter 23, Title 23.

**SECTION 24‑5‑370.** Reserve identification card for former full‑time jailers or detention officers.

A currently certified full‑time jailer or detention officer who leaves his position under honorable conditions within twelve months, at the request of his director and with the concurrence of the Department of Public Safety, may be issued a registration card identifying him as a member of the reserve if the use of reserve detention officers has been approved by the responsible authority. The officer is not required to undergo the preliminary training for reserves but is required to have a current physical exam and to continue the same annual in‑service training requirements as regular full‑time jailers or detention officers.

**SECTION 24‑5‑380.** Uniforms and equipment; handguns.

The uniforms and equipment issued by the political entity shall remain the property of the entity but, in the discretion of the director, may be entrusted to the care and control of the reserve. A reserve shall wear a uniform which will identify him as a jailer or detention officer. Handguns, if issued, must be of a caliber approved by the responsible authority.

**SECTION 24‑5‑390.** Workers’ Compensation benefits.

Workers’ Compensation benefits may be provided for reserves by the governing body in the same manner benefits are provided for full‑time jailers or detention officers.

For purposes of compensation or benefits arising from duty‑related injury or death, reserves must be considered employees of the political entities for which they were appointed and must be included with regular duty jailers or detention officers in the assigned responsibility for prevention, suppression, and control of crime.