CHAPTER 28

Reserve Police Officers

**SECTION 23‑28‑10.** Definitions.

For the purposes of this chapter:

(A) “Reserves” means persons given part‑time police powers without being assigned regularly to full‑time law enforcement duties.

(B) “Chief” means the chief law enforcement officer of a state agency, municipality, county, county sheriff, or other entity of the State having police powers.

HISTORY: 1978 Act No. 481, Section 1; 2007 Act No. 44, Section 1, eff June 4, 2007.

Effect of Amendment

The 2007 amendment, in subsection (A), substituted “assigned regularly” for “regularly assigned”; and, in subsection (B), added “state agency,” and “, county sheriff,” and deleted “political” preceding “entity”.

Attorney General’s Opinions

Under the Reserve Police Officers Act, it is permissible for reserve police officers to be assigned to patrol duty without having to ride with a full time law enforcement officer. 1983 Op. Atty Gen, No. 83‑8, p. 20.

Auxiliary police officers of the City of Inman retain full police authority even though they may not have attended the Criminal Justice Academy within one year after appointment. 1976‑77 Op. Atty Gen, No. 77‑195, p 148.

County councilman could simultaneously hold state constable’s commission without violating dual office prohibitions of state constitution but positions of county councilman and reserve officer constitute officers for dual office holding purposes. 1993 Op. Atty Gen No. 93‑25.

**SECTION 23‑28‑20.** Appointment of reserve police officers authorized; powers and duties.

(A) The chief, with the approval of the governing body or its chief operating officer, may appoint the number of reserve police officers as may be needed but not exceeding the number of regular full‑time officers of his department. The number of full‑time officers may not be decreased because of the institution or expansion of a reserve force. Each period of time reserves serve must be determined and specified by the chief in writing. The powers and duties of reserves must be prescribed by the chief and they are subject to removal by him at any time.

(B) The chief, with the approval of the governing body, also shall allow for the compensation of reserve police officers for work done pursuant to Section 23‑24‑10 when compensation for approved public activities would be paid by a party other than the municipality or county. Reserve officers must be paid for approved public activities the same as off‑duty police officers. Work performed for compensation must be in excess of the minimum logged service time required by Section 23‑28‑70. Additional training, beyond what is required for reserve police officers, is not required for reserve police officers who receive compensation.

(C) Before assuming their duties, reserves must:

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

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

(3) successfully complete a course of training specified pursuant to Chapter 23, Title 23 and endorsed by the chief who appoints them.

HISTORY: 1978 Act No. 481, Section 2; 1995 Act No. 85, Section 1; 1996 Act No. 304, Section 2; 1996 Act No. 459, Section 43; 2007 Act No. 44, Section 1, eff June 4, 2007; 2008 Act No. 335, Section 7, eff June 16, 2008.

Effect of Amendment

The 2007 amendment deleted “or sheriff” following “chief” and “chief operating officer” throughout; in subsection (B) in the third sentence substituted “Additional” for “No additional” and added “not”; in paragraph (C)(2), deleted “political” preceding “entity”; and, in paragraph (C)(3), substituted “Chapter 28” for “Chapter 6”.

The 2008 amendment, in paragraph (C)(3), substituted “Chapter 23” for “Chapter 6”.

Library References

Municipal Corporations 184.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 474 to 476, 478 to 485, 504 to 505, 508.

Attorney General’s Opinions

Discussion of a proposed Christmas bonus program for reserve police officers appointed by the Seneca Police Department. S.C. Op.Atty.Gen. (December 4, 2012) 2012 WL 6218333.

**SECTION 23‑28‑30.** Training course; subjects of study.

(A) A reserve officer may not assume a police function until he has successfully completed a course of training of at least sixty hours and passed a comprehensive test prepared by the Law Enforcement Training Council and administered by the local law enforcement agency. The sixty hours of training must be promulgated by the Law Enforcement Training Council, endorsed by the appointing official and must include, but not be limited to:

(1) Firearms training‑twelve hours

(2) Laws of arrest‑three hours

(3) Searches and seizure‑three hours

(4) Evidence‑six hours

(5) Crisis intervention‑three hours

(6) Officer survival‑two hours

(7) Ethics‑two hours

(8) Constitutional law‑two hours

(9) Local ordinances and policies‑ten hours

(10) Radio communications‑one hour

(11) Handling prisoners‑one hour

(12) Handling juveniles‑one hour

(13) Human relations‑two hours.

(B) Nothing in this chapter prevents the entity having a reserve unit from prescribing additional training, subject to the approval of the Law Enforcement Training Council.

HISTORY: 1978 Act No. 481, Section 3; 1996 Act No. 459, Section 44; 2006 Act No. 317, Section 3, eff May 30, 2006; 2006 Act No. 336, Section 2, eff June 2, 2006; 2007 Act No. 44, Section 1, eff June 4, 2007.

Effect of Amendment

The first 2006 amendment, in the second sentence of the introductory paragraph, substituted “Law Enforcement Training Council” for “South Carolina Criminal Justice Academy Division of the Department of Public Safety”.

The second 2006 amendment added the undesignated paragraph at the end relating to reserve unit training.

The 2007 amendment designated subsections (A) and (B) and redesignated items (A) to (M) as paragraphs (A)(1) to (A)(13); in subsection (A), in the introductory paragraph substituted “Law Enforcement Training Council” for “South Carolina Criminal Justice Academy”; in subsection (B), substituted “Law Enforcement Training Council” for “South Carolina Criminal Justice Academy Division of the Department of Public Safety”; and made nonsubstantive language changes.

Library References

Municipal Corporations 184(2).

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 474 to 476, 478 to 484, 505, 508.

Attorney General’s Opinions

Reserve police officers as public officers, may not receive compensation, by salary or otherwise, for services rendered absent specific statutory authorization. 1984 Op. Atty Gen, No. 84‑21, p. 60.

**SECTION 23‑28‑40.** Manner in which training provided; in‑service training.

(A) The training described in Section 23‑28‑30 may be provided locally or regionally, but must be subject to approval of the Law Enforcement Training Council. If disapproved, the training council shall designate a representative to confer with the chief to make acceptable program changes. Within reason, and subject to academy schedules, academy staff may assist in the training.

(B) In addition to the sixty hours of preliminary training, classes of in‑service training must be held periodically but not less often than once a month. Consecutive absences of more than three sessions may be grounds for dismissal.

HISTORY: 1978 Act No. 481, Section 4; 1979 Act No. 39, Section 1; 1996 Act No. 459, Section 45; 2006 Act No. 317, Section 4, eff May 30, 2006; 2007 Act No. 44, Section 1, eff June 4, 2007.

Effect of Amendment

The 2006 amendment, in the first undesignated paragraph, in the first sentence substituted “Law Enforcement Training Council” for “South Carolina Criminal Justice Division Academy Division of the Department of Public Safety” and in the second sentence deleted “Advisory” preceding “Council”.

The 2007 amendment designated the first two paragraphs as subsections (A) and (B) and deleted the third undesignated paragraph exempting auxiliary or reserve officers on the force prior to April 19, 1978 from the high school diploma requirement for participating in training programs; in subsection (A), added “described in Section 23‑38‑30”; and made nonsubstantive language changes throughout.

Library References

Municipal Corporations 184(2).

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 474 to 476, 478 to 484, 505, 508.

**SECTION 23‑28‑50.** Physical examination; applicability of other minimum selection standards.

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

HISTORY: 1978 Act No. 481, Section 5; 2007 Act No. 44, Section 1, eff June 4, 2007.

Effect of Amendment

The 2007 amendment in the first sentence deleted “political” preceding “entity” and made nonsubstantive language changes throughout.

Library References

Municipal Corporations 184(2).

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 474 to 476, 478 to 484, 505, 508.

**SECTION 23‑28‑60.** Additional requirements; identification cards.

(A) Additional requirements beyond those set out in this chapter may be imposed by the chief.

(B) Identification cards registering a reserve’s status may be issued by the Law Enforcement Training Council upon request by the chief and assuring the council that all minimum requirements have been met.

HISTORY: 1978 Act No. 481, Section 6; 1996 Act No. 459, Section 46; 2007 Act No. 44, Section 1, eff June 4, 2007.

Effect of Amendment

The 2007 amendment designated subsections (A) and (B); in subsection (A), deleted “local political entity through the” preceding “chief”; and, in subsection (B), substituted “Law Enforcement Training Council” for “South Carolina Criminal Justice Academy Division of the Department of Public Safety”.

Library References

Municipal Corporations 184(2).

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 474 to 476, 478 to 484, 505, 508.

**SECTION 23‑28‑70.** Duties of officers; appointment of coordinator‑supervisor.

(A) Reserves shall serve and function as law enforcement officers only on specific orders and directions of the chief. To maintain status, reserves shall maintain a minimum logged service time of twenty hours each month or sixty hours each quarter.

(B) Each reserve must be in proximate contact, by radio or another device, with the full‑time officer to whom he is assigned.

(C) A person appointed as an auxiliary or reserve police officer after January 1, 1996, shall perform his duties while accompanied by a full‑time, certified South Carolina police officer for a minimum of two hundred forty hours and receive the approval of the chief before he may work as provided in subsection (B). Reserve or auxiliary officers serving before January 1, 1996, and who have at least two hundred forty hours of logged service time are exempt from this provision.

(D) Reserves may not assume full‑time duties of law enforcement officers without complying with all requirements for full‑time officers.

(E) Each department utilizing reserves shall have one full‑time officer as coordinator‑supervisor and who must be responsible directly to the chief.

HISTORY: 1978 Act No. 481, Section 7; 1995 Act No. 85, Section 2; 1996 Act No. 304, Section 1; 2007 Act No. 44, Section 1, eff June 4, 2007.

Effect of Amendment

The 2007 amendment deleted references to sheriffs and deputy sheriffs throughout.

Library References

Municipal Corporations 189.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 474 to 476, 492 to 497, 505, 508.

Attorney General’s Opinions

Reserve police officers may not receive compensation for working ballgames or fairs, even if such activities are pursuant to specific orders of chief. Reserve police officers not working pursuant to specific orders of chief will not be functioning as reserve police officers and would not have any law enforcement authority of reserve officers. 1984 Op. Atty Gen, No. 84‑136, p. 330.

**SECTION 23‑28‑80.** Additional training for reserve officers desiring to become full‑time officers.

A reserve who has been in active status for at least two years who desires to become a full‑time law enforcement officer, upon application and completion of other existing requirements, may be accepted at the Law Enforcement Training Council for such additional hours of training as considered necessary.

HISTORY: 1978 Act No. 481, Section 8; 1996 Act No. 459, Section 47; 2007 Act No. 44, Section 1, eff June 4, 2007.

Effect of Amendment

The 2007 amendment substituted “Law Enforcement Training Council” for “South Carolina Criminal Justice Academy” and made nonsubstantive language changes.

Library References

Municipal Corporations 184(2).

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 474 to 476, 478 to 484, 505, 508.

**SECTION 23‑28‑90.** Former full‑time officer becoming member of reserve.

A currently certified full‑time law enforcement officer who leaves his position under honorable conditions, within twelve months, and at the request of his chief and with the concurrence of the Law Enforcement Training Council, may be issued a registration card identifying him as a member of the reserve. That officer must not be required to undergo the preliminary training for reserves but must be required to have a current physical exam.

HISTORY: 1978 Act No. 481, Section 9; 1996 Act No. 459, Section 48; 2007 Act No. 44, Section 1, eff June 4, 2007.

Effect of Amendment

The 2007 amendment substituted “Law Enforcement Training Council” for “Department of Public Safety” and made nonsubstantive language changes.

Library References

Municipal Corporations 184.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 474 to 476, 478 to 485, 504 to 505, 508.

**SECTION 23‑28‑100.** Uniforms and equipment.

The uniforms and equipment issued by the political entity shall remain the property of the entity but, in the discretion of the chief, may be entrusted to the care and control of the reserves. Reserves shall wear uniforms which shall identify them as law enforcement officers. However, in the discretion of the chief, a reserve may wear plain clothes or another uniform that is consistent with his duties as a law enforcement officer. Handguns, if issued, shall be of a caliber approved by the chief.

HISTORY: 1978 Act No. 481, Section 10; 2007 Act No. 44, Section 1, eff June 4, 2007; 2008 Act No. 321, Section 7, eff 6 months after approval (approved June 16, 2008).

Effect of Amendment

The 2007 amendment deleted “political” preceding “entity” in the first sentence and made nonsubstantive language changes throughout.

The 2008 amendment added the third sentence relating to wearing plain clothes.

**SECTION 23‑28‑110.** Workers’ compensation.

(A) Workers’ compensation benefits may be provided for reserves by the governing body in the same manner as benefits are provided for full‑time officers.

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

HISTORY: 1978 Act No. 481, Section 11; 1978 Act No. 599, Section 1; 2007 Act No. 44, Section 1, eff June 4, 2007.

Effect of Amendment

The 2007 amendment designated subsections (A) and (B); and, in subsection (B), deleted “political” preceding “entity” and made nonsubstantive language changes.

CROSS REFERENCES

Workers’ compensation, generally, see Title 42.

Library References

Municipal Corporations 187.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 450 to 453, 474 to 476, 505, 508, 524 to 533.

**SECTION 23‑28‑120.** Exemptions.

This chapter does not apply to deputy enforcement officers of the Natural Resources Enforcement Division of the South Carolina Department of Natural Resources.

HISTORY: 1978 Act No. 612, amending 1978 Act No. 481 to add Section 11A; 1993 Act No. 181, Section 359; 2007 Act No. 44, Section 1, eff June 4, 2007.

Effect of Amendment

The 2007 amendment substituted “This chapter does not” for “The provisions of this chapter shall”.