

(R43, S33)

No. 21

**An Act To Provide For A Police Commission For Horry County
And To Make An Appropriation Therefor.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Horry County Police Commission created—members—terms—chairman and secretary—quorum.—There is hereby created the Horry County Police Commission which shall be composed of six reputable citizens of the county. The members shall be appointed by the Governor upon the recommendation of a majority of the County Legislative Delegation, including the Senator, for terms of four years and until their successors are appointed and qualified, except that of the members first appointed, two shall be appointed for two years, two shall be appointed for three years and two shall be appointed for four years. The members of the commission shall be eligible for reappointment and vacancies shall be filled in the manner of the original appointments for the unexpired portion of the term. The commission shall elect its own chairman and secretary from among its members, but the chairman shall not exercise his right to vote except in case of a tie vote. The chairman shall serve for a period of two years and shall not be eligible to succeed himself. For the transaction of business it shall be necessary to have a quorum of four members.

SECTION 2. Powers and duties of commission—duties of chief and policemen.—The Horry County Police Commission shall have exclusive jurisdiction of the jail and shall appoint a chief of county police for the county and eight county policemen. The county policemen shall be assigned to work in conjunction with a magistrate, and each shall have the duty, in addition to his regular duties, of serving all criminal and civil process issued out of the magistrate's office; *provided*, that the chief of county police may temporarily assign any of the county policemen to carry out duties assigned by any other magistrate, where the occasion may arise, and policies of law enforcement shall be in the discretion of the chief of county police pending a subsequent meeting of the Horry County Police Commission, where such policies may be affirmed or repudiated. The terms of the county police, including the chief, shall be at the pleasure of the commission and the commission shall have the exclusive power to remove any county policeman, including the chief, but such policeman shall first be allowed a hearing before the commission prior to

his removal; *provided*, however, that such county policeman may be suspended by the commission pending such hearing. The commission shall investigate promptly any complaint made against any policeman for neglect of duty or for misuse of power. The commission may hire a secretary or such other personnel as it deems necessary and shall make all rules and regulations for governing the county police and shall be the final authority upon all matters relative to the conduct of such policemen.

SECTION 3. Qualifications of chief and policemen—bond.—

The chief and all of the county policemen appointed by the county police commission shall be bona fide residents of the county and shall be able-bodied men, of good habits, not addicted to the use of alcoholic liquors or drugs and physically able to perform the duties of county policemen. Each of such policemen, including the chief, shall be required to provide himself with a suitable automobile, firearms and other equipment to perform properly his duties. Each of such policemen shall, before entering upon the duties of his office, enter into a bond, the surety to be approved by and filed with the clerk of court, payable to the county, in the sum of two thousand dollars, conditioned for the faithful performance of his duties and for such damages as may be sustained by reason of his malfeasance in office or abusing his authority.

SECTION 4. Examinations.—The commission may require a written examination with each application for employment, but in every event no applicant shall be employed without having sufficient education to know and understand the duties of his office, and he shall be examined as to a legible handwriting for the purpose of maintaining permanent records of arrests and returns of civil process.

SECTION 5. Oath.—Each of such policemen, before receiving his commission shall, in addition to the oath of office required by law, take and subscribe the following oath or affirmation, to wit: "I do further solemnly swear (or affirm) that during my term of office as policeman I will study the act creating my office and prescribing my duties, will endeavor to inform myself of the criminal law of this State, both statutory and common law, pertaining to my duties, will be alert and vigilant to enforce it and to detect and bring to punishment every violation of it within my county, will conduct myself at all times with due consideration to all persons and will not impose upon the weak or ignorant. So help me, God."

SECTION 6. Duties of chief.—The chief of county police, in addition to his regular duties as a county policeman, shall have full command and authority over the regular county policemen appointed under the authority of this act and shall have the right, authority and duty of giving orders and directions to the county policemen in the performance of their duties. The county police shall patrol, police and work in such places, points and sections and at such times as may be directed by the chief of county police.

SECTION 7. Training course.—The commission shall designate a police training course for all county policemen, including the chief, and if practicable such course shall have been completed within the first six months of employment.

SECTION 8. Chief to hold auction sales.—The chief of county policemen shall sell at public auction to the highest bidder for cash any property confiscated by any county policeman in Horry County under the laws of the State. Any such auction sale shall be advertised once in some newspaper in the county and the proceeds derived from such sale shall be forthwith turned over to the county treasurer to be deposited in the general funds of the county.

SECTION 9. Powers of policemen.—All of the county policemen shall have, over the entire county, the same rights, powers and authority as sheriffs, deputy sheriffs and constables to make arrests for violation of the criminal laws of this State. The county policemen are authorized to serve summons and complaints, to seize property and serve warrants of attachment, to seize chattels and serve papers in action of claim and delivery, and the magistrates of the county may issue warrants on Sundays as well as on week days, irrespective of what offense is charged. The county policemen may summon a posse comitatus to assist in enforcing the law and any citizen who shall fail to respond or render assistance when so summoned shall be guilty of a misdemeanor and, upon conviction, be punished by imprisonment for not more than thirty days or a fine of not more than one hundred dollars.

SECTION 10. Chief and policemen not to engage in politics.—No county policeman, including the chief of police, shall take part in any political activity or issue, and upon a proper showing to the commission of such political activity, such county policeman shall be removed from his office; *provided*, further, that no county policeman

shall be allowed to remain in office after announcing his candidacy for any political office.

SECTION 11. Reports of chief and policemen.—Each of such county policemen shall weekly make a written report to the chief of county police of all their acts and doings, including all arrests, fines or bonds taken and places visited and any other information requested by the chief of county police. The chief of county police shall make a monthly written report to the commission and the county legislative delegation concerning the activities of the rural policemen.

SECTION 12. Meetings of commission.—The Horry County Police Commission shall meet at 10 o'clock on the first Monday of each month in the Horry County Jail to make plans for future activities, to discuss activities of the county police during the previous month, to hear complaints from any citizen of the county, and to take up any other matters dealing with the business of law enforcement in the county. The time for such monthly meeting may be changed by the commission whenever it is deemed necessary. A record shall be kept of all activities of the monthly meetings of the commission which shall be open to the public, except records of how the members of the board voted and matters of an executive nature. A majority of the commission shall constitute a quorum at all meetings. The commission shall, when deemed necessary, upon the majority vote of its members, call special meetings for the purpose of taking up matters pertaining to law enforcement in the county.

SECTION 13. Employ jailor and other personnel.—The commission shall employ the jailor, assistant jailor, secretary and all other personnel necessary for the carrying out of the provisions hereof and for the orderly process of law enforcement and the upkeep and maintenance of the county jail.

SECTION 14. Appropriations.—To carry out the provisions of this act from its effective date to July 1, 1959, there is hereby appropriated from the general fund of the county the sum of twenty thousand dollars, or so much thereof as may be necessary. Any expenditures for salaries or otherwise from this sum shall be recommended by the commission and approved by a majority of the County Legislative Delegation, including the Senator. From July 1, 1959 all such monies as may be necessary to carry out the provisions of this act shall be provided for in the annual county supply act.

SECTION 15. Office space for sheriff.—It is further provided by the provisions hereof, that the office of the sheriff shall be in the office space now occupied for the magistrate of district number 1, and the office of the magistrate herein named shall be in the office now occupied by the Horry County Registration Board.

SECTION 16. Deputy sheriffs.—Commencing with the effective date of this act there shall only be two deputy sheriffs in Horry County.

SECTION 17. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 18. Time effective.—This act shall take effect March 1, 1959.

Approved the 17th day of February, 1959.

(R44, S62)

No. 22

An Act To Provide That A Deputy County Auditor Or Treasurer May Be Appointed For Orangeburg County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Deputy auditor or treasurer may be appointed for Orangeburg County.—If either the Orangeburg County Auditor or Treasurer shall become unable to perform the duties of his office, a deputy county auditor or treasurer may be appointed by the Governor, upon the recommendation of a majority of the Orangeburg County Legislative Delegation. Any such deputy auditor or treasurer, as the case may be, shall exercise all powers and duties now devolved upon the county auditor or treasurer until such time as such auditor or treasurer is able to resume the duties of his office. Any such delegation of authority shall in no way relieve the auditor or treasurer of responsibility or liability under his bond.

SECTION 2. Bond and compensation.—Any such deputy shall execute a bond payable to the county auditor or treasurer, as the case may be, for the proper performance of his duties in the same amount required of such auditor or treasurer. Any such deputy shall receive such compensation as may be provided for in the annual Orangeburg County Supply Act.