CHAPTER 5

Jails and Jailers

ARTICLE 1

General Provisions

**SECTION 24‑5‑10.** Sheriff is custodian of jail; 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.

HISTORY: 1962 Code Section 55‑401; 1952 Code Section 55‑401; 1942 Code Section 1938; 1932 Code Section 1938; Cr. C. '22 Section 921; Cr. C. '12 Section 923; Cr. C. '02 Section 638; G. S. 2690; R. S. 525; 1837 (10) 48; 1934 (38) 1219; 1940 (41) 1666.

**SECTION 24‑5‑12.** Certain duties concerning jails devolved to 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 facility manager 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. Once a sheriff has devolved these powers and duties to the governing body, custody of the jail shall remain with the governing body unless, by mutual agreement and approval of the sheriff, the governing body devolves its powers and duties relating to the custody of the county jail to the sheriff.

HISTORY: 1978 Act No. 584; 2010 Act No. 237, Section 39, eff June 11, 2010.

Effect of Amendment

The 2010 amendment, in the first sentence substituted "facility manager" for "jailer", and added the last sentence relating to once a sheriff has devolved powers and duties.

**SECTION 24‑5‑20.** Appointment of facility managers.

 Except as otherwise provided, every sheriff in this State who has control of a jail shall appoint a qualified person as facility manager. This person shall have the control and custody of the jail under the supervision of the sheriff. However, should the sheriff not have control of the jail, then this appointment falls to the chief administrative officer of the county in whose jurisdiction the jail lies.

HISTORY: 1962 Code Section 55‑402; 1952 Code Section 55‑402; 1942 Code Section 1940; 1932 Code Section 1940; Cr. C. '22 Section 923; Cr. C. '12 Section 925; Cr. C. '02 Section 639; G. S. 2691; R. S. 526; 1812 (5) 672; 1839 (11) 48; 2010 Act No. 237, Section 40, eff June 11, 2010.

Effect of Amendment

The 2010 amendment rewrote the section.

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

 All sheriffs or governing bodies that have custody of the jail and their respective facility managers are required to receive and keep securely all persons committed by the coroner as required by law.

HISTORY: 1962 Code Section 55‑412; 1952 Code Section 55‑412; 1942 Code Section 1945; 1932 Code Section 1945; Cr. C. '22 Section 927; Cr. C. '12 Section 929; Cr. C. '02 Section 643; G. S. 2695; R. S. 530; 1839 (11) 76; 2010 Act No. 237, Section 41, eff June 11, 2010.

Effect of Amendment

The 2010 amendment rewrote the section.

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

 The sheriffs or governing bodies of the respective 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 held on March 4, 1789. The sheriff or governing body may charge a fee for such prisoners pursuant to the terms and conditions set forth in Section 23‑19‑20.

HISTORY: 1962 Code Section 55‑414; 1952 Code Section 55‑414; 1942 Code Section 1942; 1932 Code Section 1942; Cr. C. '22 Section 925; Cr. C. '12 Section 927; Cr. C. '02 Section 641; G. S. 2693; R. S. 528; 1790 (7) 257; 1800 (5) 379; 1839 (11) 47; 2010 Act No. 237, Section 42, eff June 11, 2010.

Effect of Amendment

The 2010 amendment, in the first sentence, substituted "governing bodies of the respective counties" for "jailers in the several counties" and "held on March 2, 1789" for "holders on March 4, 1789", and added the last sentence relating to a fee.

**SECTION 24‑5‑80.** Governing body to furnish certain items and services to all persons confined in jail.

 The governing body of each county in this State shall furnish, at all times, sufficient food, water, clothing, personal hygiene products, bedding, blankets, cleaning supplies, and shelter from extreme heat or cold or rain for all persons confined in a jail and access to medical care.

HISTORY: 1962 Code Section 55‑417; 1952 Code Section 55‑417; 1942 Code Section 1954; 1932 Code Section 1954; Cr. C. '22 Section 936; Cr. C. '12 Section 938; Cr. C. '02 Section 652; G. S. 2704; R. S. 539; 1842 (11) 226; 1861 (12) 908; 1869 (14) 274; 2010 Act No. 237, Section 43, eff June 11, 2010.

Effect of Amendment

The 2010 amendment rewrote the section.

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

 It is unlawful to discriminate in the treatment of prisoners placed in the custody of the sheriff or local governing body.

 A violation of this section is a misdemeanor and, upon conviction, the person convicted must be fined not less than twenty‑five dollars and imprisoned for not more than one year.

HISTORY: 1962 Code Section 55‑419; 1952 Code Section 55‑419; 1942 Code Section 1950; 1932 Code Section 1950; Cr. C. '22 Section 932; Cr. C. '12 Section 934; Cr. C. '02 Section 648; G. S. 2700; R. S. 535; 1868 (14) 107; 2010 Act No. 237, Section 44, eff June 11, 2010.

Effect of Amendment

The 2010 amendment rewrote the section.

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

 A facility manager shall make a return to the 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. The use of electronic records satisfies this requirement.

HISTORY: 1962 Code Section 55‑422; 1952 Code Section 55‑422; 1942 Code Section 1948; 1932 Code Section 1948; Cr. C. '22 Section 930; Cr. C. '12 Section 932; Cr. C. '02 Section 646; G. S. 2698; R. S. 533; 3 H. 7, c. 3; 1712 (2) 453; 1839 (11) 52; 2010 Act No. 237, Section 45, eff June 11, 2010.

Effect of Amendment

The 2010 amendment, in the first sentence substituted "A facility manager" for "Every Sheriff" and "the court" for "every court", and added the second sentence relating to electronic records.

**SECTION 24‑5‑120.** Facility manager's annual report on condition of jail.

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

HISTORY: 1962 Code Section 55‑423; 1952 Code Section 55‑423; 1942 Code Section 1953; 1932 Code Section 1953; Cr. C. '22 Section 935; Cr. C. '12 Section 937; Cr. C. '02 Section 651; G. S. 2703; R. S. 538; 1839 (11) 48; 2010 Act No. 237, Section 46, eff June 11, 2010.

Effect of Amendment

The 2010 amendment rewrote the section.

**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.

HISTORY: 1962 Code Section 55‑424; 1962 (52) 1732.

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

 When a person is apprehended or in confinement according to law in a county in this State where the jail may be destroyed or rendered uninhabitable by fire or other accident, he must be committed to the jail nearest to the one destroyed for safekeeping. However, the jail must have sufficient bed space. If the jail does not have sufficient bed space, then the official in charge of the jail that was destroyed, or rendered uninhabitable shall contact the facility managers of the jails in the nearest proximity and utilize any available resources to receive and keep the prisoners in custody. The facility managers of this State may enter into mutual aid agreements to assist each other in the event of an emergency or as other needs arise. If sufficient resources are not available within the several counties, then the official in charge of the jail that was destroyed or rendered uninhabitable may request the assistance of the South Carolina Department of Corrections and its resources until the emergency has passed.

HISTORY: 1962 Code Section 55‑428; 1952 Code Section 55‑428; 1942 Code Section 1951; 1932 Code Section 1951; Cr. C. '22 Section 933; Cr. C. '12 Section 935; Cr. C. '02 Section 649; G. S. 2701; R. S. 536; 1812 (5) 672; 1839 (11) 47; 2010 Act No. 237, Section 47, eff June 11, 2010.

Effect of Amendment

The 2010 amendment rewrote the section.

**SECTION 24‑5‑175.** Unlawful operation of unmanned aerial vehicle near detention facility; penalties; exclusions.

 (A) Except as provided in subsection (D), a person shall not operate an unmanned aerial vehicle within a horizontal distance of five hundred feet or a vertical distance of two hundred fifty feet from any local detention facility without written consent from the jail administrator.

 (B) A person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

 (C)(1) In addition to the penalty provided in this section, an unmanned aerial vehicle involved in the violation of this section may be confiscated by the jail administrator of a local detention facility. An unmanned aerial vehicle must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined, or as otherwise required by Section 17‑28‑300, et seq. Records must be kept of all confiscated unmanned aerial vehicles received by the jail administrator under the provisions of this section. Upon conviction, pursuant to a violation of this section, the relevant unmanned aerial vehicle shall be transferred to the South Carolina Law Enforcement Division to use within the agency for any lawful purpose or for destruction, unless otherwise provided in this section.

 (2) Any unmanned aerial vehicle confiscated pursuant to this section shall be administratively released to an innocent owner. The unmanned aerial vehicle must not be released to the innocent owner until the results of any legal proceedings in which the unmanned aerial vehicle may be involved are finally determined, or as otherwise required by Section 17‑28‑300, et seq. Before the unmanned aerial vehicle may be released, the innocent owner shall provide the jail administrator with proof of ownership; shall certify that the innocent owner neither was a consenting party to nor had knowledge of the use of the unmanned aerial vehicle that made it subject to the confiscation; and shall certify that the innocent owner will not release the unmanned aerial vehicle to the person who was charged with the violation of this section that resulted in the confiscation of the unmanned aerial vehicle. The jail administrator shall notify the innocent owner when the unmanned aerial vehicle is available for release. If the innocent owner fails to recover the unmanned aerial vehicle within thirty days after notification of the release, the local detention facility may use the unmanned aerial vehicle within the agency for any lawful purpose or destroy it.

 (D) The provisions of this section do not apply to any person who: registers with the Federal Aviation Administration as an operator of a commercial unmanned aerial vehicle; operates the vehicle for the purpose of monitoring, operating, maintaining or enhancing electric, communications, water conveyance, or transportation infrastructure or determining if repairs to such infrastructure are necessary; and separately notifies the jail administrator or his designee no more than five days and no less two hours prior to each operation of the vehicle, provided that the notification must include the registration number the Federal Aviation Administration has issued for the vehicle.

HISTORY: 2018 Act No. 184 (S.176), Section 2, eff May 17, 2018.

ARTICLE 2

Local Detention Facility Mutual Aid and Assistance Act

**SECTION 24‑5‑200.** Short title.

 This article may be cited as the "Local Detention Facility Mutual Aid and Assistance Act".

HISTORY: 2010 Act No. 237, Section 93, eff June 11, 2010.

**SECTION 24‑5‑210.** Mutual aid and assistance agreements between local detention facilities authorized.

 (A) For purposes of this article, "local detention facility" means a municipal, county, or multijurisdictional jail, prison camp, or overnight lockup used for the detention of persons charged with or convicted of a felony, misdemeanor, local ordinance, or violation of a court order.

 (B) There is a need for the safe and secure housing of inmates, and there may be situations where inmates need to be temporarily housed in other local detention facilities in order to maintain the public peace, safety, and welfare. Therefore, local detention facilities of this State are authorized to enter into mutual aid and assistance agreements with other local detention facilities as may be necessary.

 (C) The facility manager, with the approval and consent of the local governing body, may provide this assistance while acting in accordance with the policies, ordinances, and procedures set forth by the governing body of the providing local detention facility. If sufficient resources are not available within the several counties, officials responsible for the requesting local detention facility may seek assistance of the South Carolina Department of Corrections and its resources until the emergency has passed.

HISTORY: 2010 Act No. 237, Section 93, eff June 11, 2010.

**SECTION 24‑5‑220.** Mutual aid and assistance agreements.

 (A) Mutual aid and assistance agreements may include, but are not limited to, the following:

 (1) statement of the services to be provided;

 (2) arrangements for the use of equipment and facilities;

 (3) records to be maintained on behalf of the receiving local detention facility;

 (4) authority of the providing facility manager to maintain control over the receiving local detention facility's inmates or other personnel;

 (5) terms of financial agreements between the parties;

 (6) duration, modification, and termination of the agreement; and

 (7) legal contingencies for any lawsuits or the payment of damages that arise from the provided services.

 (B) Nothing in this article requires a local detention facility to have a written mutual aid and assistance agreement, nor does it preclude mutual aid to take place absent a written agreement in the case of an emergency.

HISTORY: 2010 Act No. 237, Section 93, eff June 11, 2010.

**SECTION 24‑5‑230.** Construction of article.

 (A) The provisions of this article shall not conflict with any existing mutual aid and assistance agreements or contracts between local detention facilities.

 (B) Nothing in this article may be construed to alter, amend, or affect any rights, duties, or responsibilities of law enforcement authorities established by the Constitution or laws of this State, or by ordinance of local governing bodies, except as expressly provided for in this chapter.

HISTORY: 2010 Act No. 237, Section 93, eff June 11, 2010.

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 detention officer duties without being regularly assigned to full‑time 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 multijurisdictional 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.

HISTORY: 1995 Act No. 62, Section 1; 2010 Act No. 237, Section 48, eff June 11, 2010.

Effect of Amendment

The 2010 amendment in the definition of "Reserve detention officer" deleted "jailer or" before "detention officer" in two instances.

**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 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 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.

HISTORY: 1995 Act No. 62, Section 1; 2010 Act No. 237, Section 49, eff June 11, 2010.

Effect of Amendment

The 2010 amendment in the first and second sentences deleted "jailers or" before "detention officer".

**SECTION 24‑5‑320.** Preservice training; comprehensive test.

 No reserve shall assume a 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 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.

HISTORY: 1995 Act No. 62, Section 1; 2008 Act No. 335, Section 9, eff June 16, 2008; 2010 Act No. 237, Section 50, eff June 11, 2010.

Effect of Amendment

The 2008 amendment substituted "South Carolina Criminal Justice Academy" for "Department of Public Safety" and "Chapter 23" for "Article 9, Chapter 6" throughout and in the fourth sentence deleted "Advisory" preceding "Council".

The 2010 amendment deleted "jailer or" and "jailers or" before "detention officer" and "detention officers" in the first and third sentences respectively.

**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 detention officers also shall apply to reserves.

HISTORY: 1995 Act No. 62, Section 1; 2010 Act No. 237, Section 51, eff June 11, 2010.

Effect of Amendment

The 2010 amendment deleted "jailer or" before "detention officer in the last sentence.

**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 South Carolina Law Enforcement Training Council.

HISTORY: 1995 Act No. 62, Section 1; 2014 Act No. 225 (H.3958), Section 3, eff June 2, 2014.

Effect of Amendment

2014 Act No. 225, Section 3, substituted "South Carolina Law Enforcement Training Council" for "Department of Public Safety".

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

 A reserve shall serve and function as 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 detention officer. A reserve shall not assume full‑time duties of detention officers without complying with the requirements for full‑time 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.

HISTORY: 1995 Act No. 62, Section 1; 2010 Act No. 237, Section 52, eff June 11, 2010.

Effect of Amendment

The 2010 amendment deleted "jailer or" and "jailers or" before "detention officer" and "detention officers" in four instances.

**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 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.

HISTORY: 1995 Act No. 62, Section 1; 2008 Act No. 335, Section 10, eff June 16, 2008; 2010 Act No. 237, Section 53, eff June 11, 2010.

Effect of Amendment

The 2008 amendment substituted "South Carolina Criminal Justice Academy" for "Department of Public Safety" and "Chapter 23" for "Article 9, Chapter 6" throughout.

The 2010 amendment deleted "jailer or" before "detention officer".

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

 A currently certified full‑time detention officer who leaves his position under honorable conditions within twelve months, at the request of his director and with the concurrence of the South Carolina Criminal Justice Academy, 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 detention officers.

HISTORY: 1995 Act No. 62, Section 1; 2010 Act No. 237, Section 54, eff June 11, 2010.

Effect of Amendment

The 2010 amendment, in the first sentence, deleted "jailer or" before "detention officer", substituted "South Carolina Criminal Justice Academy," for "Department of Public Safety,"; and in the second sentence, deleted "Jailers or" before "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 detention officer. Handguns, if issued, must be of a caliber approved by the responsible authority.

HISTORY: 1995 Act No. 62, Section 1; 2010 Act No. 237, Section 55, eff June 11, 2010.

Effect of Amendment

The 2010 amendment deleted "jailer or" before "detention officer" in the second sentence.

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

 Workers' compensation benefits may be provided for reserves by the governing body in the same manner that benefits are provided for full‑time 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 detention officers in the assigned responsibility for prevention, suppression, and control of crime.

HISTORY: 1995 Act No. 62, Section 1; 2010 Act No. 237, Section 56, eff June 11, 2010.

Effect of Amendment

The 2010 amendment inserted "that" before "benefits are provided" in the first sentence, and deleted "jailers or" before "detention officers" in two instances.