

1977 WL 36999 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

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QUESTION PRESENTED:

Is Section 16–17–540, 1976 Code of Laws of South Carolina, as amended, an enforceable criminal statute of this State?

STATUTE INVOLVED:

Section 16–17–540, 1976 Code of Laws of South Carolina, as amended.

DISCUSSION:

Section 16–17–570, which became law in 1905 and has not been amended, renders commercial bribery unlawful and provides penalties for persons convicted thereof.,

Although the South Carolina Supreme Court has never been called upon to rule on the validity of this statute, similar statutes have been upheld against various attacks in a number of other jurisdictions. [1 ALR 3d 1350](#); [57 C.J.S.Master & Servant](#), § 639; 11 Am. Jur. 2d [Bribery](#), § 17.

Although prosecutions under this section have been somewhat rare, § 16–17–540 is clearly an enforceable penal statute of this State.

CONCLUSION:

Section 16–17–540 is an enforceable penal statute of the State of South Carolina.

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