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The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

December 1, 2005

Chief Charles E. McNair  
Director of Public Safety  
Cayce Department of Public Safety  
Post Office Box 2004  
Cayce, South Carolina 29171

Dear Chief McNair:

In a letter to this office you referenced the provisions of S.C. Code Ann. § 59-24-60 which state:

In addition to other provisions required by law or by regulation of the State Board of Education, school administrators must contact law enforcement authorities immediately upon notice that a person is engaging or has engaged in activities on school property or at a school sanctioned or sponsored activity which may result or results in injury or serious threat of injury to the person or to another person or his property as defined in local board policy.

You have questioned the applicability of the words "as defined in local board policy" as used in such provision. You have particularly questioned whether the referenced phrase modifies the entire provision or just that part of the phrase "his property".

When interpreting the meaning of a statute, certain basic principles must be observed. The cardinal rule of statutory interpretation is to ascertain and give effect to legislative intent. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Resort to subtle or forced construction for the purpose of limiting or expanding the operation of a statute should not be undertaken. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). Moreover, statutes should be given a reasonable and practical construction which is consistent with the policy and purpose expressed therein. Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E.2d 166 (1966).

In construing Section 59-24-60, it is my opinion that the rule of statutory construction termed the "last antecedent" rule is applicable. As referenced in a prior opinion of this office dated September 11, 1996, such rule states that "...referential and qualifying words and phrases, where no

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contrary intention appears, refer solely to the last antecedent.” As stated in an opinion of this office dated February 5, 1980,

The last antecedent consists of “the last word, phrase or clause that can be made an antecedent without impairing the meaning of the sentence”...Referential and qualifying words, phrases and clauses are to be applied to the words or phrase immediately preceding, and are not to be construed as extending to or including others more remote....”

See also: Op. Atty. Gen. dated April 23, 1962 (“Referential and qualifying words and phrases where no contrary intention appears, refers solely to the last antecedent.”). In this instance, the last antecedent is “his property”. Therefore, the phrase “as defined in local board policy” is limited in applicability to the phrase “his property”. Moreover, the statute was written in the disjunctive, using the word “or” several times to separate the words used in the provision. See: Op. Atty. Gen. dated July 20, 1979 (“The use of the word ‘or’ is presumed to be in the disjunctive sense.”). Consistent with such, it is my opinion that the phrase “as defined in local board policy” is applicable only to the words “his property” and does not apply to the remainder of the reporting requirements.

You also questioned the proper avenue to address violations of the mandatory reporting requirement and what punishment or penalties are applicable. It is provided by S.C. Code Ann. § 59-63-335 that the

(f)ailure of a school administrator to report criminal conduct as set forth in Section 59-24-60 or failure to report information concerning school-related crime pursuant to Section 59-63-330 shall subject the administrator and the school district to liability for payment of a party's attorney's fees and the costs associated with an action to seek a writ of mandamus to compel the administrator and school district to comply with Section 59-24-60 or 59-63-330.

Section 59-63-330 states:

On forms prepared and supplied by the State Department of Education, each school district in the State shall report school-related crime quarterly to the State Department of Education. The department shall compile the information received from the districts and annually, not later than January thirty-first of the year following the districts' final quarterly reports of the school year, make a report to the General Assembly on the findings. In addition, the State Department of Education shall, upon receipt, forward all information concerning school-related crime to the Attorney General's Office. This information shall be used by the Attorney General in the supervision of the prosecution of school crime.

Moreover, pursuant to S.C. Code Ann. § 59-63-350

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Local law enforcement officials are required to contact the Attorney General's "school safety phone line" when any felony, assault and battery of a high and aggravated nature, crime involving a weapon, or drug offense is committed on school property or at a school-sanctioned or school-sponsored activity or any crime reported pursuant to Section 59-24-60.

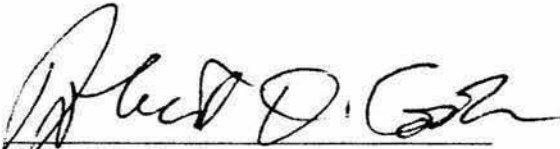
If there are any questions, please advise.

Sincerely,



Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General