

June 7, 2007

The Honorable Catherine C. Ceips
Member, House of Representatives
1207 Bay Street
Beaufort, South Carolina 29902

Dear Representative Ceips:

In a letter to this office you forwarded a letter from a constituent complaining of advertisements for escort services in the yellow pages of a telephone book. According to the letter, “[t]he wording of the advertisements makes it obvious that prostitution is being solicited.”

Pursuant to S.C. Code Ann. § 16-15-90, it is unlawful to

- (1) Engage in prostitution;
- (2) Aid or abet prostitution knowingly;
- (3) Procure or solicit for the purpose of prostitution;
- (4) Expose indecently the private person for the purpose of prostitution or other indecency;
- (5) Reside in, enter or remain in any place, structure, building, vehicle, trailer or conveyance for the purpose of lewdness, assignation or prostitution;
- (6) Keep or set up a house of ill fame, brothel or bawdyhouse;
- (7) Receive any person for purposes of lewdness, assignation or prostitution into any vehicle, conveyance, trailer, place, structure or building;
- (8) Permit any person to remain for the purpose of lewdness, assignation or prostitution in any vehicle, conveyance, trailer, place, structure or building;
- (9) Direct, take or transport, offer or agree to take or transport or aid or assist in transporting any person to any vehicle, conveyance, trailer, place, structure or building or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation;

- (10) Lease or rent or contract to lease or rent any vehicle, conveyance, trailer, place, structure or building or part thereof believing or having reasonable cause to believe that it is intended to be used for any of the purposes herein prohibited; or
- (11) Aid, abet, or participate knowingly in the doing of any of the acts herein prohibited.

Pursuant to S.C. Code Ann. § 16-15-100, it is also unlawful to

- (1) Procure a female inmate for a house of prostitution;
- (2) Cause, induce, persuade or encourage by promise, threat, violence or by any scheme or device a female to become a prostitute or to remain an inmate of a house of prostitution;
- (3) Induce, persuade or encourage a female to come into or leave this State for the purpose of prostitution or to become an inmate in a house of prostitution;
- (4) Receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any female to become a prostitute or an inmate in a house of prostitution;
- (5) Accept or receive knowingly any money or other thing of value without consideration from a prostitute; or
- (6) Aid, abet or participate knowingly in the doing of any of the acts herein prohibited.

Violations of Sections 16-15-90 and 16-15-100 are as follows:

- (1) for the first offense, a fine not exceeding two hundred dollars or confinement in prison for a period of not more than thirty days;
- (2) for the second offense, a fine not exceeding one thousand dollars or imprisonment for not exceeding six months, or both;
- (3) for the third or any subsequent offense, a fine not exceeding three thousand dollars or imprisonment for not less than one year, or both.

Any decision as to whether any advertisements in the telephone book would constitute a violation of such provisions would involve the resolution of a factual issue, which is beyond the scope of an opinion of this Office. Op. S.C. Atty. Gen., June 27, 2006 (stating “this Office does not have the authority of a court, the Attorney General cannot investigate or determine facts.”). Any such determination, therefore, would be a factual decision for local law enforcement and/or the local solicitor’s office. Such would have to be determined on a case by case basis. As a result, I can only suggest that your constituent contact local law enforcement for their review of a particular situation.

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With kind regards, I am,

Sincerely,

Henry McMaster
Attorney General

By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Assistant Deputy Attorney General