

4694 Library

# The State of South Carolina



## Office of the Attorney General

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October 18, 1991

The Honorable Glenn G. Reese  
Senator, District No. 11  
117 Sun Valley Drive  
Inman, South Carolina 29349

Dear Senator Reese:

In a telephone call you asked whether there are any statutory prohibitions to renting movies to minors who could not otherwise view these same movies in a theatre.

Based upon my review of the Code several statutory provisions may be considered. Section 16-15-345 provides

Any individual eighteen years of age or older who knowingly disseminates to any person under the age of eighteen years any material which he knows or reasonably should know to be obscene within the meaning of § 16-15-305 is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.

Section 16-15-355 states

Any individual eighteen years of age or older who knowingly disseminates to any minor twelve years of age or younger any material which he knows or reasonably should know to be obscene within the meaning of § 16-15-305 is guilty of a felony and, upon conviction, must be imprisoned for not more than ten years.

I am enclosing a copy of Section 16-15-305 which provides for a definition of dissemination of obscenity.

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I am also enclosing a copy of Sections 16-15-375 and 16-15-385 of the Code which relate to the offense of disseminating harmful material to minors.

The applicability of the referenced provisions to a particular situation would of course have to be determined on a case by case basis. As to any particular situation you may wish to consult the local solicitor.

For your information I am enclosing a copy of legislation introduced in 1986 which prohibited the sale or rental of a motion picture bearing a rating of "X" or "R" to an individual under eighteen years of age along with a copy of an opinion of this Office relating to the legislation. According to the Legislative Council, the particular bill was referred to the House Judiciary Committee where it apparently died.

If there is anything further, do not hesitate to contact me.

Sincerely,



Charles H. Richardson  
Assistant Attorney General

CHR/an  
Enclosures

REVIEWED AND APPROVED BY:



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