

1980 WL 120595 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 11, 1980

*1 Sheriff Roy J. Lee
Dillon County Sheriff's Department
Dillon, South Carolina 29536

Dear Sheriff Lee:

You have asked this office whether you, in the course of a lawful arrest for violation of the Sunday Blue Laws, have the authority to close the place of business at the time of the arrest. It is the opinion of this office that you would have such authority if exercised only in the following manner.

Sections 53-1-40, et seq. of the South Carolina Code of Laws (1976), commonly known as the Blue Laws, prohibit certain unlawful work on Sunday. However, these sections do not give you the authority to automatically close a place of business upon effecting an arrest for violations of the Blue Laws.

Section 53-1-80 does provide that doing certain work or labor on Sunday constitutes a public nuisance and can be enjoined by order of any Court of competent jurisdiction. Therefore, the Code provides for both criminal and civil remedies for violations of the Blue Laws.

It is the opinion of this office that simultaneous to an arrest for violation of the Blue Laws, an injunction may be sought to declare the place of business wherein certain prescribed work occurs on Sunday to be a public nuisance and as such to be closed and prohibited from any further work on Sunday.

Sincerely,

Scott Elliott
State Attorney

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