

1980 WL 120603 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 15, 1980

*1 Mr. Ken Elverum
Research Analyst
Legislative Administrative Committee
S-420, State Capitol
Salem, Oregon 97310

Dear Mr. Elverum:

Thank you for your letter of December 20, 1979, concerning Sunday closing law operations in this State. You inquire as to whether these statutes are actively enforced and if so, how often?

The application of these laws is generally precipitated from one of two sources:

1. The concern of economic groups such as competitive merchants about the operation of a facility on Sunday while others may remain closed.
2. The precipitating factor may be the result of activities by religious groups which present their grievances to the sheriff or other official, and in many instances to this Office demanding that the laws be enforced.

It is impossible to determine when an outbreak of demands for enforcement may be made or where they may be made, but the position taken by this Office has uniformly been that enforcement of the law is the primary local responsibility. The enforcement of the law against the sale of beer or liquor on Sunday is fairly frequent, but is instituted as a law enforcement measure by the Alcoholic Beverage Control Commission through its agents. Gaming violations rarely come into play, as well as service of criminal process. The primary cases are those which arise under [Sections 55-1-10](#) and [53-1-40 of the Code](#) of the South Carolina Code of Laws (1976). These are essentially statutes which arose during the time of Queen Anne and have been Virtually unchanged since that time. One important change has been made, however, with respect to the sale of certain goods on Sunday, now incorporated as Section 53-1-60. The inclusion of the injunction feature without the necessity of resorting to criminal procedures found in 53-1-80 is, I think, one of the most effective and practical means of reaching a solution to a difficult problem.

It is difficult to assess the frequency of actions under our Sunday Laws because they all seem to appear when demands for the enforcement are made on a local basis and this depends on a number of facts, the two principal ones of which I have enumerated above, i.e., economic and religious. Our laws have the bad feature of being scattered throughout the Code and have the further vice of being retained long after their real need has disappeared. The old statutes, however, do have the virtue of having received a construction by the Supreme Court of this State which makes their application fairly clear. Any attempts by the General Assembly to lessen their impact generally meets with a storm of protests and controversy and members of the Legislature are reluctant to venture into this political thicket.

I trust that the foregoing will be of assistance to you.

With best wishes,
Very truly yours,

Daniel R. McLeod

Attorney General

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