

1977 S.C. Op. Atty. Gen. 182 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-247, 1977 WL 24589

Office of the Attorney General

State of South Carolina

Opinion No. 77-247

August 10, 1977

*1 Honorable John H. Ball
Chief of Police
3505 Pinehaven Drive
Charleston Heights, South Carolina 29405

Dear Chief:

Thank you for your letter of July 29, 1977, concerning the use of minors in making purchases of intoxicants for the purpose of arresting the seller of such liquors.

In my opinion, there is no legal reason why this may not be done, and it is my understanding that it is utilized by statewide and national police systems. There is slight authority concerning the problem, the case cited below being apparently one of the only ones in the country dealing with the subject. In this case, the decision was by a three-to-two court and the dissenting opinion was rather strongly worded with regard to the use of minors. In my opinion, however, there is no legal reason why they may not be used.

As noted in the memorandum of Sgt. Dawson attached to your letter, it appears to have been done with the consent of the parents and, in fact, at their request, and was, moreover, done in a controlled manner under the observation of police officers. The use of minors appears to be the only means in some circumstances of enabling prosecution against persons who traffic with minors contrary to law, whether in the sale of intoxicants, distribution of obscene literature or other similar laws.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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