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Office of the Attorney General

State of South Carolina

March 9, 1978

*1 Mr. Michael Grant LeFever
Deputy Director
S. C. Department of Juvenile Placement And Aftercare
P. O. Box 5535
Columbia, S. C. 29250

Dear Mr. LeFever:

You have recently asked the opinion of this Office as to the meaning of the words, 'minor' and 'child' as used in Section 16-17-490 and [Section 16-17-510 of the 1976 Code of Laws of South Carolina](#) respectively.

Section 16-17-490 in pertinent part reads as follows:

It shall be unlawful for any person over 18 years of age of knowingly and wilfully encourage, aid or cause or to do any act which shall cause or influence a minor:

- (1) To violate any law or any municipal ordinance;
- (2) To become and be incorrigible or ungovernable . . .

The meaning of 'minor' as used in Section 16-17-490 is not expressly set forth in the provision. The general rule of construction is that words used within a statute should be interpreted according to the legislative intent of the statute. It appears from the general language of the statute that the legislative intent in passing Section 16-17-490 was to provide a means whereby an older individual could be punished for encouraging or influencing a younger, impressionable, individual to commit certain illegal or improper acts designated under the statute. In order for this intent to be carried out, in light of the 1971 amendment changing the required age of the contributor from 21 years of age or older to 18 years of age or older, the term minor must be construed to mean anyone less than 18 years of age. Act No. 451 of 1971 S. C. Acts & Joint Resolutions, page 848.

There is no evidence intrinsic or otherwise to support the contention that the legislative intent was to restrict the definition of minor to only those less than 17 years of age. Certain of the illegal acts delineated in the statute are applicable only to those less than 17 years of age. For example, the acts involving incorrigibility, abandonment, and truancy are not applicable unless the individual is less than 17 years of age. Section 16-17-490(2), (3), (4), (6), (8), (10). These acts fall under the jurisdiction of the Family Court which extends to children less than 17 years of age where dealt with as juveniles. Section 14-21-20. Nevertheless, some of the acts are clearly applicable to those over 17 years of age. Section 16-17-490(1), (5), (7). Section 16-17-490 is a criminal statute and as such must be strictly construed. Numerous other statutes which refer to ages 7 to 16 inclusive employ the term 'child' as opposed to 'minor'. It is reasonable to infer that the legislature would have used the term 'child' if it had intended to mean less than 17 years of age.

[Section 16-17-510](#) on the other hand uses the term 'child'. This section makes it a misdemeanor for anyone to encourage or entice a child from school attendance. Section 59-65-10 requires the attendance in school of children ages 7 to 16 inclusive. [Section 16-17-510](#) when read in light of Section 59-65-10 must be construed to mean ages 7 to 16 inclusive.

*2 Based on the foregoing discussion, it is the opinion of this Office that the meaning of ‘minor’ as used in Section 16-17-490 refers to anyone under 18 years of age, and the meaning of ‘child’ as used in [Section 16-17-510](#) refers to anyone under the age of 17 years of age. The 17 year old referred to in your letter may come within the meaning of Section 16-17-490. The answer to the question of whether her parents can seek legal remedy under that section remains in the appropriate judicial official.

Yours very truly,

Betty J. Willoughby
Staff Attorney

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