

1975 WL 29484 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 7, 1975

*1 Mr. David L. Crow
Private Detective
410 Pecan Street
Gaffney, South Carolina 29340

Dear Sir:

I have received your question relating to photography 'on and off private property'.

First, you should be advised that besides criminal trespass laws, §§ 10-209 to 10-210 and §§ 10-2441 to 10-2444 Code of Laws of South Carolina (1962) provide for civil action by a property owner against one who trespasses on his or her property.

Second, § 16-554 of the Code makes eavesdropping and spying upon or 'invading the privacy' of persons a criminal act.

The law regarding photography would include, though not be limited to, the above provisions.

Sincerely,

Wally Smith
Law Clerk

ATTACHMENT

It may be significant that the General Assembly as late as 1973 defined the Great Seal and provided that the Governor should seal the commissions of all of the officers of the State with it (1973 [58] 83) 1 Am.Jur.2d § 52 states that 'if the form of the official seal is prescribed by statute, the officer taking the acknowledgment is required to affix the prescribed form to the certificate'. I am also appending an opinion of this Office construing code provisions relating to seals which discusses mandatory and directory provisions.

Further research reveals that the indictment phrase which you mentioned 'against the peace and dignity of the State' was removed from the Constitution when Articles V and VI were revised and combined in 1972 (1972 [57] 3181 and 1973 [58] 161). Thus I cannot analogize from this passage.

Based on these facts and in the absence of legislative action to change the code provisions, I feel that the provision of the Constitution referring to the Great Seal remains mandatory.

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