

1975 WL 29599 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 19, 1975

***1 In Re: Safecracking, Definition of term 'Safe' in Section 16-337, 1962 Code**

Honorable E. Harry Agnew
Resident Judge
Tenth Judicial Circuit
County Court House
Anderson, South Carolina

Dear Judge Agnew:

You have requested the opinion of this Office as to the meaning of the word 'safe' in Section 16-337, 1962 Code of Laws of South Carolina, setting forth the criminal offense known as safecracking.

The general reference works such as Words and Phrases, Corpus Juris, and American Jurisprudence afford little assistance, unless the very general definitions appearing therein can be said to be what was contemplated by the General Assembly. For example, one such definition is:

'A receptacle for the safe storage of articles.'

None of the above-mentioned works, nor any substantive decision from this State or any other jurisdiction, supplies a definition that is appreciably more detailed. Such a definition, of course, could include *inter alia* a desk drawer, file cabinet, medicine chest, or, possibly, a cigar box, when those things are used as receptacles for the safe storage of money or other articles.

Those in the business of manufacturing what are commonly called safes, or safe-deposit vaults, have a generally accepted definition containing minimum standards, as follows:

'A receptacle of metal, concrete, or like substance, with a lock, with wall thickness of not less than one inch and door thickness of not less than one and one-half inches, for the safekeeping of money and other valuables.' Ref.: Mosler Safe Company, Columbia, S.C.

The Burglary Manual published by the National Bureau of Casualty Underwriters contains these descriptions of the lowest-rated safe or vault:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The Burglary Manual does not contain a minimum wall or door thickness for its lowest-rated safe or safe-deposit vault.

This Office is of the opinion that in order to escape the defect of unconstitutional vagueness, some definition of 'safe' somewhat more definite than the general dictionary definition should be applied in Section 16-337 cases. From information furnished by the Manual from the National Bureau of Casualty Underwriters and by persons in the safe and safe-deposit vault manufacturing field, together with general dictionary definitions, it is felt that a minimum definition of 'safe' within the purview of Section 16-337 could be:

‘A receptacle of steel or iron with key lock or combination lock, or a vault of brick, concrete, stone, iron or steel, with key lock or combination lock, specially designed for the safekeeping of money and other valuables.’

In view of the foregoing, it is the opinion of this Office that the so-called money boxes you describe in your letter of March 7, 1975 (construction of steel, 34 ¼#‘ in height, 15 ¼#‘ in width, 12 ½’ in depth, equipped with a key lock, designed specially for the safekeeping of money presumedly) are ‘safes’ within the meaning of Section 16-337.

Yours very truly,

*2 Joseph C. Coleman
Deputy Attorney General

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