

1975 WL 29831 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 23, 1975

*1 The Honorable Isadore E. Lourie
Member
South Carolina Senate
1224 Pickens Street
Columbia, South Carolina 29201

Dear Senator Lourie:

You have inquired whether an individual may be imprisoned for failure to support his children.

I advise that Section 20-302.5 of the 1962 Code of Laws makes it a criminal offense for any parent or other person legitimately responsible for the care and support of a minor child under the age of 16 years to wilfully abandon such child. Punishment is within the discretion of the Court and is a misdemeanor. The power to punish by imprisonment is therefore found in the case of abandonment.

Section 20-303 is applicable to ablebodied men and makes it a criminal offense to abandon or fail to supply the actual necessities of life to his wife or to his minor unmarried children, legitimate or illegitimate, or children dependent upon him. Violation may be punishable by imprisonment for a term of not more than one year or by a fine of from \$300.00 to \$1500.00, or both.

Where support of a child is ordered by a court, such as a family court, and not pursuant to the criminal provisions cited above, enforcement of the order of support may be made by punishment as for contempt, which may include also imprisonment.

Very truly yours,

Daniel R. McLeod
Attorney General

ATTACHMENT

May 26, 1975
Honorable Stanley E. Laffin

Representative

House of Representatives

State of Maine

Augusta, Maine 04330

Dear Mr. Laffin:

In reply to your letter of May 13, 1975, I advise that sufficient time has not elapsed since the last execution in South Carolina to make a determination of how the absence of capital punishment has or has not deterred crime. This State

recently re-enacted the capital punishment statute under which four persons had been sentenced, but it is not yet possible to tell whether the restoration of the death penalty, if legally permissible, may or may not deter crime.

The majority of citizens in this State feel strongly that the death penalty should be imposed and this feeling is prompted, in my opinion, by the belief that its presence will deter crime. The Black citizen is 100 percent opposed to the death penalty. It was re-enacted, in 1974, by an overwhelming majority vote, with the minority being composed of the Black Members of the Legislature and perhaps one or two others.

Very truly yours,

Daniel R. McLeod
Attorney General

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