

1975 WL 29042 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 30, 1975

***1 Re: S. C. Code of Laws, Section 5-121 entitled 'X' Rated and Other Offensive Motion Pictures**

Honorable Nae Parks
Sheriff of Lancaster County
Post Office Box 908
Lancaster, South Carolina 29720

Dear Sheriff Parks:

Thank you for your letter of June 24 requesting the opinion of this office as to whether the above statute is constitutional in the light of a recent decision of the United States Supreme Court.

I regret very much that I am not in the position to express an opinion as to the validity or nonvalidity of this statute as that must be determined in a court. The recent Supreme Court decision to which properly referred will, of course, have application but whether it will be determinative of our statute must await a test which will probably arise in private litigation or in a case in which the prosecution is made. Our position would then be to defend the constitutionality of the statute unless its invalidity appeared so clearly evident as to warrant a concession on that point. I am not prepared to assume the prerogative of issuing an opinion which would, in effect, have the result of stopping all prosecutions.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

1975 WL 29042 (S.C.A.G.)

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.