

1974 WL 27887 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 26, 1974

*1 Mr. J. C. Busbee
Director
Department of Public Safety
City of Aiken
Post Office Box 1177
Aiken, South Carolina

Dear Mr. Busbee:

Thank you for your letter of June 25, which has been referred to me for reply. It seems that Section 16-558 of the 1962 Code of Laws of South Carolina, as amended, is the applicable section here. It provides that:

Any person who shall (a) be found on any highway or at any public place or public gathering in a grossly intoxicated condition . . . shall be deemed guilty of a misdemeanor.

The crucial word here seems to be 'grossly'. Apparently mere drunkenness, without more, is insufficient to sustain a conviction under Section 16-558 for public disorderly. Whether or not a man is 'grossly' drunk as opposed to simply 'drunk' is a matter requiring the exercise of judgement on the part of the police officer, and should be handled with care. It is my belief that all public roads, rights of way, and parking lots would come within the ambit of the Act.

I hope the above information sufficiently meets the needs of your inquiry. If we can be of further assistance, please let us know.

Very truly yours,

Hutson S. Davis, Jr.
Assistant Attorney General

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