

1973 WL 26717 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 27, 1973

***1 Re: Section 5-611, et. seq., Code of Laws of South Carolina 1962**

D. Glenn Yarborough
133 ½ S. Main St.
Lancaster, S. C. 29720

Dear Mr. Yarborough:

You have requested that this office advise you as to the validity of the above-referenced statute. This statute, Section 5-611 et. seq., pertains to the maintenance operation and owning of dance halls, and music machines in Lancaster County, setting forth among other things hours of operation and penalties for violation of the provisions of the Articles within these sections.

It appear to be clear that valid regulation can be made of the operation of dance halls and music machines, as are covered within the above-referenced section. The South Carolina State Constitution in Article 3, Section 34 prohibits the enactment of any special law when a general law can be made applicable. The Section cited above does appear to constitute special legislation in violation of the Constitution of this State. As the constitutionality of this statute is doubtful, a serious question remains as to the applicability thereof in a criminal prosecution.

I am aware of no court decision touching on the constitutionality of this Section, and until a judicial determination is made the position of this office would be that until this law is held to be unconstitutional it is a valid enactment.

I trust that this has been sufficient in answer to the question which you posed.

Very truly yours,

Timothy G. Quinn
Senior Assistant Attorney General

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