

1973 WL 26963 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 9, 1973

*1 Assistant Chief Carl Hughey
City Police Department
Gaffney, South Carolina

Dear Mr. Hughey:

You have inquired as to what law enforcement officers might lawfully do in a case in which a drunk is in another person's home and refuses to leave upon demand or request of the owner or lawful occupant of the home.

It appears that disorderly conduct as set forth in Section 16-558, 1962 Code of Laws of South Carolina, as amended, would not apply to such a case since the State law refers and applies only to public disorderly conduct.

Assuming that no more serious offense is being committed by the prospective defendant, it appears that the facts might fit into the violation set forth in Section 16-388—Trespass. The pertinent part of that Section as I see it is as follows: ‘Any person who—having entered into the dwelling house . . . of another person . . . fails and refuses, without good cause or excuse, to leave immediately upon being ordered or requested to do so by the person in possession . . . shall on conviction be fined not more than one hundred dollars or be imprisoned for not more than thirty days.’

Very truly yours,

Joseph C. Coleman
Deputy Attorney General

1973 WL 26963 (S.C.A.G.)

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.