

1978 WL 35137 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
September 27, 1978

*1 The Honorable H. Parker Evatt
Member
House of Representatives
District No. 71—Richland County
Post Office Box 373
Columbia, South Carolina 29202

Dear Representative Evatt:

You have inquired as to whether or not the present kidnapping law of this State would cover the provisions of House Bill No. H.3673 which passed the House of Representatives during the last session. When the matter was taken up by the Senate it was referred to a committee and that committee was of the opinion that the present kidnapping law rendered the legislation unnecessary.

Your bill would amend [Section 24-13-450 of the 1976 Code](#) making it unlawful for any prisoner or inmate of the Department of Corrections to take a hostage. Your amendment would make that law applicable to county and municipal jails, prisons, work camps or overnight lockup facilities.

The present kidnapping law of this State is found in Section 16-3-910 and reads as follows:

Whoever shall unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any other person by any means whatsoever without authority of law, except when a minor is seized or taken by a parent thereof, shall be guilty of a felony and, upon conviction, shall suffer the punishment of life imprisonment unless sentenced for murder as provided in Section 16-3-20.

It is our opinion that this law would cover the situation of a prisoner or an inmate taking a hostage. The only distinction between your proposed legislation and the present kidnapping statute is the punishment provisions. The sentence under the present kidnapping law is life imprisonment unless sentenced for murder. [Section 24-13-450](#) and your proposed amendment provide the punishment to be not less than five (5) nor more than twenty (20) and it must be served consecutively.

In answer to your specific question then it is our opinion that the present kidnapping law in this State would cover the provisions of House Bill No. H.3673. If you have any further question with respect to this matter, please do not hesitate to let me know.

With kindest regards.

Very truly yours,

Emmet H. Clair
Deputy Attorney General

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