

1978 WL 35188 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 26, 1978

*1 Colonel J. L. Altman, Jr.
Chief of Police
Post Office Box 889
Beaufort, South Carolina 29902

Dear Colonel Altman:

You have made inquiry as to the present status of the shoplifting law in this State and have raised questions related thereto. First, please be advised that the shoplifting law (Sections 16-13-105 through 16-13-111) was amended in May of this year. (See attachment). The most important amendment was to change the penalty for first offense shoplifting where the value of the shoplifted merchandise is less than fifty (\$50.00) dollars to a maximum penalty of thirty (30) days or one hundred (\$100) dollars. Therefore, jurisdiction in shoplifting cases where the merchandise is valued at less than fifty (\$50.00) dollars would now be in the Magistrates or City Recorders' Court rather than in the Court of General Sessions. Nonetheless, a person could still be charged with petit larceny in lieu of shoplifting if the person making the arrest so desired, although the need for such a course of action to avoid the Court of General Sessions would not now be present.

Further, an arrest by store personnel, followed by a warrant for shoplifting or petit larceny, would be valid so long as the person making the arrest actually observed the commission of a larceny. See [Section 17-13-10, South Carolina Code of Laws, 1976](#).

Please advise should you have additional questions in this matter.

Sincerely yours,

Robert N. Wells, Jr.
Assistant Attorney General

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