

1976 WL 30522 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 16, 1976

\*1 Honorable Melvin Ernest Nunnery  
Representative  
District 44  
Lancaster and Chester Counties  
Chester County Courthouse  
Chester, South Carolina 29706

Dear Representative Nunnery:

Thank you for your recent telephone call to this Office.

I am enclosing a copy of a 1964 letter written by Mr. McLeod which I hope will be of help to you in interpreting Section 5-103 of the 1962 South Carolina Code as amended. A recent amendment to this Section, R657, makes lawful everywhere, the showing of movies after two o'clock pm subject to the conditions of subsection 2 and 3. This change will probably eliminate the statutes earlier conflict with Article VIII Section I of the Constitution of South Carolina caused by its vesting powers in some cities that were not vested in others. If then, the granting of permits to show movies under Section 5-103(3) is a purely ministerial function, no city or town would be able to issue or deny permits for the showing of movies on a discretionary basis. The only conditions imposed upon the showing of motion pictures other than the obtaining of a special permit under subsection 3 are those stated in subsection 2 and in the amendment to subsection 1.

If our Office can be of further assistance to you, please let me know.—

Yours truly,

H. Michael Bowers  
Staff Attorney

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