

1975 WL 29722 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 16, 1975

\*1 J. M. Hunsucker, Jr.  
Chief of Police  
City of Rock Hill  
P. O. Box 222  
Rock Hill, SC 29730

Dear Chief Hunsucker:

This is in response to your letter of April 7, 1975, requesting the opinion of this office as to whether (1) the changing of price tags on items in a department store by a customer so as to obtain the item at a lower price constitutes a violation of law; (2) an employee who observes this practice but fails to call the same to the attention of the customer is guilty of entrapment.

Section 16-366 of the Code of Laws of South Carolina interprets the activity described in your first question as being the crime of obtaining property by false pretenses. I think this Section clearly encompasses the activity described in your letter.

With regard to your second question the crime of entrapment involves the act of solicitation usually by an officer of the law. I do not feel that the employees are guilty of entrapment simply because they observed the offense.

Based upon the foregoing reasoning and authorities, it is the opinion of this office that § 16-366, Code of Laws of South Carolina, as amended, is violated whenever a customer wilfully changes the price tag or an item in a department store for the express purpose and with the intent to cheat and defraud the merchant.

If you have further questions please feel free to contact this office.

Very truly yours,

Jerry M. Screen  
Legal Assistant

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