

1974 WL 27711 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 11, 1974

***1 Re: Lotteries—181, Pool and Billiards**

Honorable Joseph E. McLeod

Mayor

Town of McBee

McBee, South Carolina

Dear Mayor McLeod:

You requested that this Office advise you whether under Section 5-501(6) of the Code of Laws of South Carolina a pool or billiard room must shut down completely at 11:00 p.m., each night or whether they can cover the billiard tables and allow patrons to remain on the premises after 11:00 p.m.

It is our opinion that the statute merely requires the cessation of pool playing after 11:00 p.m., and does not require that the premises be shut down in toto. I direct your attention to Section 5-509 of the Code of Laws of South Carolina which provides that:

No patron of any billiard room shall be allowed to play on any table at any game during the hours during which the place is closed.

Inasmuch as chapter 6 of Title 5 is a criminal statute and must be strictly construed, it would appear that all a proprietor must do in order to come into compliance with the provisions of the chapter regulating closing hours is to shut down his tables at 11:00 p.m. each night.

I hope that the foregoing sufficiently answers the telephonic question that you posed.

Very truly yours,

Ellison D. Smith, IV

Assistant Attorney General

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