



**South Carolina
Law Enforcement Division**

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SLED'S ADDITIONAL GUIDANCE ON THE ENFORCEMENT OF § 16-7-10

In accordance with S.C. Code Ann. § 56-7-10(B) “a uniform traffic ticket may be used in an arrest for a misdemeanor offense within the jurisdiction of magistrates court that has been **freshly committed or is committed in the presence of a law enforcement officer.**” Our courts have noted that “an officer can arrest for a misdemeanor when the facts and circumstances observed by the officer give him probable cause to believe that a crime has been freshly committed.” State v. Martin, 275 S.C. 141, 146, 268 S.E.2d 105, 107 (1980)

The relevant portion of S.C. Code Ann. § 16-7-10(A) states:

In any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to:

- (1)(a) violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation;
- (b) congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or
- (c) wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer.

A person violating the provisions of this item is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.

The CDR Code information for this offense is:

CDR Code: 1156

Offense Description: Looting / Violation of curfew, congregation, failure to disperse in emergency area

Offense Statute: 16—070-0010(a)

Penalty Statute: 16—070-0010(a)

Offense Type: Misdemeanor

Offense Class: Unclassified