



ALAN WILSON  
ATTORNEY GENERAL

Captain

P.O. Box 11706  
Rock Hill, South Carolina 29731-1706

Dear Captain Harveston:

We received your letter requesting an opinion from this Office concerning a Rock Hill ordinance making certain disorderly conduct unlawful. According to your letter, the City of Rock Hill adopted "an ordinance which is based off the state statute 16-17-530 Disorderly Conduct, but

cause harm to those [in] proximity of the fight and could be injured by the actions of the involved parties.

While attending an after school hours school sponsored event. As  
[REDACTED]

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[REDACTED]

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example would be a football game where two or more students engage  
in a fight. The after school event is not mandatory for attendance. In  
[REDACTED]

Any person who shall (a) be found on any highway or at any public place or public gathering in a grossly intoxicated condition or otherwise conducting himself in a disorderly or boisterous manner, (b) use obscene or profane language on any highway or at any public place or gathering or in hearing distance of any schoolhouse or church or (c) while under the influence or

feigning to be under the influence of intoxicating liquor, without just cause or excuse, discharge any gun, pistol or other firearm while upon or within fifty

yards of any public road or highway, except upon his own premises, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days

(a) Wherever in this Code or in any ordinance of the city any act is prohibited

~~or is made or declared to be unlawful or is prohibited~~

[REDACTED]

wherever in such Code or ordinance the doing of any act is required or the

~~doing of any act is required or the~~

[REDACTED]

[REDACTED]

has not been occasioned by any improper conduct on his part, Coles v. New York Casualty Co. 1903 87 App Div 41 83 N.Y.S. 1063. In State v. Gladden

1875, 73 N.C. 150, in pointing out the necessity of a mutual intent in fighting, the court said that it is not necessary that both parties should give and take

blows; that it is sufficient that both parties put their bodies in a position to give and take blows, and with that intent.

The definition of 'fighting' thus arrived at-and it is the one used by the trial court in its instructions to the jury is that which is commonly understood as its

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Sincerely,



Cydney Milling  
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Solicitor General