



NEWS RELEASE

OFFICE OF ATTORNEY GENERAL HENRY MCMASTER
STATE OF SOUTH CAROLINA

For Immediate Release
September 1, 2005

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Attorney General: Gas Shortage Criminal Activity Will Be Prosecuted

Columbia, S.C. – Attorney General Henry McMaster announced today that any criminal activity surrounding the current gas shortage will be prosecuted by his office to the fullest extent of the law. McMaster also urged citizens to report any suspected illegal activity to a special e-mail address: GasShortage@scattorneygeneral.com

“If credible evidence of criminal conduct exists, this office will take action and prosecute it to the fullest extent of the law,” said McMaster. “So far we have no evidence that any willful criminal conduct has taken place in regards to the gas shortage, but that could change.”

McMaster pointed out that while state law only allows prosecutors to deal with complaints of price gouging during a “state of emergency declared by the governor,” the possibility exists that other criminal activity may occur due to the gas shortage.

The Attorney General also indicated that he would ask the General Assembly to revisit the state’s price gouging statutes to make it easier for law enforcement to investigate complaints of price gouging.

McMaster urged citizens to remain patient during this gas shortage and not to purchase any more gas than they absolutely need.

The criminal prohibition against price gouging (**SC Code 39-5-145**) takes immediate effect upon the Governor’s declaration of a state of emergency and only within the area for which the state of emergency has been declared. The prohibition remains in effect until the declaration expires or is terminated.

It is a misdemeanor offense and carries a fine of \$1,000 or thirty (30) days in jail for each offense.

During a state of emergency it is illegal to rent or sell or offer to rent or sell a commodity at an “unconscionable price” within the area for which the state of emergency is declared.

Those commodities are defined as goods, services, materials, merchandise, supplies, equipment, resources, or other articles of commerce, and includes, without limitation, food, water, ice, chemicals, petroleum products, and lumber essential for consumption or use as a direct result of a declared state of emergency.

It is also illegal to impose “unconscionable prices” for the rental or lease of a dwelling unit, including a motel or hotel unit or other temporary lodging, or self-storage facility within the area for which the state of emergency is declared.

“Unconscionable price” means an amount charged, which either represents a “gross disparity” or “grossly exceeds” the average price available for these items and services in the same area thirty (30) days immediately before a declaration of a state of emergency.

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