

1977 S.C. Op. Atty. Gen. 94 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-106, 1977 WL 24448

Office of the Attorney General

State of South Carolina

Opinion No. 77-106

April 13, 1977

*1 Mr. James B. Ellisor
Executive Director
State Election Commission
P. O. Box 5987
Columbia, SC 29250

Dear Mr. Ellisor:

Mr. McLeod has referred your recent letter to me for reply. You have inquired if a person who has been convicted of the offense of 'forgery of a drug prescription' would be considered to have been convicted of the disqualifying offense of forgery as prohibited by South Carolina Code of Laws, 1962, as amended, Section 23-62.

Section 23-62 states in part that 'persons convicted of . . . forgery . . . shall be disqualified from being registered or voting, unless such disqualification has been removed by pardon.' South Carolina Code of Laws, 1962, Section 16-351 defines the crime of forgery and states in pertinent part that a person shall be guilty of forgery who is convicted of '. . . forging or counterfeiting of any writing or instrument of writing . . .' (Emphasis added). 37 C.J.S. Forgery, § 36 states that the forging of a prescription for a poisonous or narcotic drug has been held to be forgery. See also 'Forgery', Words and Phrases.

Therefore, a person who has been convicted of 'forgery of a drug prescription' would be considered to have been convicted of the disqualifying offense of forgery within the prohibition of Section 23-62 of the South Carolina Code of Laws.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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