

1974 S.C. Op. Atty. Gen. 38 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3691, 1974 WL 21210

Office of the Attorney General

State of South Carolina

Opinion No. 3691

January 11, 1974

***1 In Re: Unlawful Pistols, Forfeiture, Disposition of Fines**

Honorable Herman Philbeck

Chief of Police

Patrick, South Carolina

Dear Chief Philbeck:

You have inquired whether or not a pistol forfeited under the pistol law of the State [Section 129, et seq., 1962 Code of Laws of South Carolina, as amended] should be disposed of by the municipal court when the criminal charge of unlawful possession was made by city police officers for an offense committed within the municipality.

Section 16–129.7, 1962 Code of Laws of South Carolina, as amended, reads in part:

‘Any person convicted of violating the provisions of this article, in addition to the penalty provided herein, shall have such pistol as is involved in any such violation confiscated and delivered to the municipality or county where the violation is committed.’

Violations of the State's pistol law may not be disposed of in magistrate's court or municipal court, but, when the violation occurs within the limits of a municipality, the forfeited pistol must be delivered of the proper official. of the municipality to be disposed of in accordance with Act 339 of 1973.

Your attention is directed also to the provision of Section 16–129.7 relating to the disposition of fines imposed for pistol law violations occurring within cities or towns:

‘When a violation occurs within a municipality the moneys from the fine shall be delivered to the municipality by the clerk of court. If the violation takes place outside a municipality, the moneys from the fine shall be delivered to the county treasurer.’

Yours very truly,

Joseph C. Coleman

Deputy Attorney General

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