

1974 S.C. Op. Atty. Gen. 77 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3720, 1974 WL 22425

Office of the Attorney General

State of South Carolina

Opinion No. 3720

February 20, 1974

\*1 Gambling tables and roulette wheels fall within the definition of “devices pertaining to games of chance” prohibited by Section 5–621 and 5–622 and as such are subject to confiscation.

Sheriff

Lexington County

You have requested an opinion from this Office with regard to the confiscation of “gambling tables, roulette wheels, and the like.”

The South Carolina Code of Laws explicitly provides that “It shall be unlawful for any person to keep on his premises or operate ... any device pertaining to games of chance of whatever name or kind....” Section 5–621, Section 5–622 further states that any machine pertaining to games of chance shall be seized and, after examination by a magistrate of the county, immediately destroyed.

In [Squires v. South Carolina Law Enforcement Division, 249 S.C. 609, 155 S.E.2d 859 \(1967\)](#), the South Carolina Supreme Court said that any devices pertaining to games of chance are condemned. The Court went on to say that the device does not have to be either operative or in complete repair before it is subject to destruction. Mere possession or ownership is prohibited. All parts and subassemblies are also subject to seizure and destruction.

In considering whether gaming tables and roulette wheels can be classified as “devices pertaining to games of chance,” there are no South Carolina cases directly on point; however, the clear weight of authority indicates that these items are gambling devices. 18 Words and Phrases, “Gambling”, “Gaming Device”; see [Bell v. State, 225 S.W. 687, 32 Tex.Cr.R. 187](#), [Harmon v. State, 22 S.W. 1038](#). Furthermore, both the South Carolina statutes mentioned above and the Squires decision strongly indicate that roulette wheels and gambling tables come within the definition of a “game of chance” insofar as these pieces of equipment “display different pictures, words or symbols at different plays or different numbers.”

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