



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON  
ATTORNEY GENERAL

December 2, 1998

Lieutenant Keith Lewis  
Fairfield County Multijurisdictional Drug Task Force  
P. O. Drawer 1115  
Winnsboro, South Carolina 29180

**Re: Informal Opinion**

Dear Lieutenant Lewis:

You indicate that the Fairfield County Drug Task Force has five vehicles in the impound lot that have been "signed over from the owners to the Fairfield County Sheriff Office by Consent Orders of Forfeiture." Furthermore, you state that "[t]hese vehicles are not serviceable as some do not have engines." Your question is whether "we could have the vehicles appraised and sell said vehicles together for salvage." You note that "[a]ny proceeds obtained through the sale would be placed into the Fairfield County Drug Fund."

**Law/Analysis**

In an Informal Opinion, dated May 1, 1995, we addressed the situation concerning the procedures involving the sale of a vehicle previously purchased with drug proceeds. There, we stated:

[p]rior opinions of this Office have recognized that monies transferred to a law enforcement agency through forfeiture proceedings are "public monies" and therefore "should be maintained and spent in accordance with the laws and

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ordinances governing the custody and the use of public monies." Op. Atty. Gen. dated July 31, 1991. Therefore such monies could not be expended in a manner inconsistent with the use of public funds generally. Moreover, pursuant to subsection (I) of the referenced statute, "[a]n expenditure from these accounts must be made in accordance with the established procurement procedures of the jurisdiction where the account is established."

Pursuant to Section 44-53-530 (g), these funds may only be used for "drug enforcement activities." Moreover, in accordance with other provisions of that section, such funds

. . . must not be used to supplant operating funds in the current or future budgets. Expenditures from these accounts for an item that would be a recurring expense must be approved by the governing body before purchase. . . .

Subject to the limitations set forth above regarding the use of forfeiture funds generally, funds generated by the sale of a vehicle purchased with drug fund assets would be placed back into the account established for the law enforcement agency pursuant to Section 44-53-530 (g).

In another opinion, Op. Atty. Gen., Op. No. 89-42 (April 10, 1989), we stated that "[i]f a vehicle which is directly transferred to the law enforcement agency pursuant to forfeiture proceedings later becomes surplus property, then disposition of that property should follow the procedures used by the agency for disposition of surplus property."

Accordingly, it would appear to me, based upon the foregoing, that the procedure for disposition of the property in question would be in the same manner as generally established for the sale of surplus property in the particular county. Furthermore, any funds received from the sale of such property would be deposited in the special fund recognized in Section 44-53-530 (g).

This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

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With kind regards, I am

Very truly yours,



Robert D. Cook  
Assistant Deputy Attorney General

RDC/ph