

The State of South Carolina

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Office of the Attorney General

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July 5, 1988

The Honorable C. E. Edwards
Mayor, City of Chesnee
201 W. Cherokee Street
Chesnee, SC 29329

Dear Mayor Edwards:

Your letter of the 9th ultimo was referred to me for a response to your second question by way of Mr. Cook's letter to you of the 20th. You requested an opinion on the use of funds collected by the police department from sales of confiscated and awarded vehicles. You stated that these funds are presently being put into a special fund for use by the department, and you want assurance that the department is allowed access to the funds for various police activities.

Section 44-53-588, South Carolina Code of Laws, 1976, as amended, provides guidance for the disposition of proceeds from the sale of forfeited items. It reads in part:

. . . to be used exclusively by law enforcement in the control of drug offenses These additional funds may not be used to supplant operating funds within the law enforcement agency's current or future budgets. . . . an item that would have a recurring expense to the governing body must be approved by the governing body prior to the purchase.

The foregoing language limits and restricts the use of proceeds from sale of forfeited vehicles in three ways. First, these monies must be used "exclusively by law enforcement in the control of drug offenses" and should not be used for any activities not directly or indirectly connected drug enforcement. Secondly, these funds cannot be used to supplant operating funds within the law enforcement agency's current or future budget. Third and lastly, any expenditure of these funds for an item that would have a recurring expense to the governing body must be approved by the governing body prior to the purchase.

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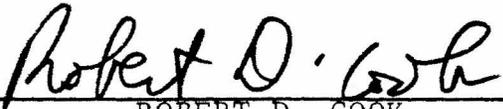
In conclusion, the police department must use these monies to control drug offenses only and not to supplant operating funds in present or future budgets, with prior approval by the governing body for purchase of an item having a recurring expense.

Yours very truly,


L. Casey Manning
Assistant Attorney General

LCM/rho

REVIEWED AND APPROVED BY:



ROBERT D. COOK
Executive Assistant for Opinions