

1983 WL 181991 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 7, 1983

*1 The Honorable James O. Dunn
Solicitor
Fifteenth Judicial Circuit
P. O. Drawer 1276
Conway, SC 29526

Dear Solicitor Dunn:

You have inquired whether a person convicted of involuntary manslaughter may legally acquire and possess a pistol in this State.

[Section 16-23-30\(e\), S. C. Code Ann. \(1976\)](#), prohibits possession and acquisition of a pistol by a person who has been convicted of a crime of violence. Section 16-23-10(c) defines ‘crime of violence.’ It states:

The term ‘crime of violence’ means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

In [State v. Barnett, 218 S.C. 415, 63 S.E.2d 57 \(1951\)](#), the Supreme Court held that the general statutory definition of manslaughter (i.e., the unlawful killing of another without malice, express or implied) includes both voluntary and involuntary manslaughter.

Therefore, involuntary manslaughter appears to be a crime of violence for purposes of [Section 16-23-30](#). It is the opinion of this Office that a person who has been convicted of involuntary manslaughter cannot legally acquire and possess a pistol.

Obviously, if the conviction resulted from circumstances involving a traffic accident, the involuntary manslaughter would not constitute a crime of violence and the individual would not be prohibited from acquiring a pistol.

Sincerely,

Agnes Dale Moore
State Attorney

1983 WL 181991 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.