

1976 WL 30425 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 9, 1976

***1 In Re: Confiscated Pistols**

Colonel P. F. Thompson
Director of Law Enforcement
State Highway Department
Post Office Drawer 191
Columbia, South Carolina 29202

Dear Colonel Thompson:

You have inquired as to who should retain lawful custody of confiscated pistols until such time as the weapon is needed as evidence in a criminal action involving unlawful possession of such weapon.

Normally, evidence in a criminal case is retained in custody of police authorities until such time as it is needed by the solicitor or other prosecuting officer for presentation in court. I know of no law or rule of court that would place this duty of custody on a clerk of court.

It is the opinion of this Office that an unlawful weapon seized by a member of the Highway Patrol should be retained by the Patrol until such time as it is needed as evidence in court.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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