

1981 WL 157907 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 12, 1981

***1** Honorable David C. Stephens
Assistant Solicitor
First Judicial Circuit
P. O. Box 1525
Orangeburg, SC 29115

Dear David:

In a letter to this office you referenced an individual who has been convicted of the offense of pointing a firearm, i.e. a rifle, and now questions whether the rifle may be returned to him.

There is no provision in [Section 16-23-410, Code of Laws of South Carolina](#), 1976, which defines the offense of pointing a firearm at any person, which states that a weapon used to violate such section is to be confiscated or forfeited. Such is contrary to other statutes dealing with weapons which provide for forfeiture or confiscation of weapons used in violation of such provisions. See: [Sections 16-23-40, 16-23-430, 16-23-460, Code of Laws of South Carolina \(1976\)](#). Therefore, a rifle used in the violation of [Section 16-23-410](#) may be returned to the owner.

With best wishes.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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