

1981 WL 157988 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 29, 1981

*1 William B. Ellis
Route 4
Box 60-A
Hopkins, South Carolina 29061

Dear Mr. Ellis:

Your letter of August 26, 1981, was ultimately received by the South Carolina Law Enforcement Division and referred to this office for reply. As for your inability to buy a firearm, I should inform you that there are various laws which could prevent a person from selling you a firearm, and prevent you from possessing a firearm, all based on your stay at the State Hospital. Not having the details of your admission and discharge from the hospital, I am unable to answer your question with any specificity, but I am enclosing South Carolina Code of Laws Section 16-23-30, which addresses this problem. There are also various federal statutes which could prevent your ownership of a firearm.

As for the legal rights of an individual who has been to the State Hospital, I would direct your attention to South Carolina Code of Laws Section 44-23-1040, a copy of which is enclosed for your review. Again, as I do not have the details of your stay at the State Hospital, I am unable to state whether or not this Section would be applicable to you. If you have any questions about this provision of the law, or your inability to purchase a firearm, I would suggest that you contact a private attorney to look into this matter for you. It is my understanding that in the past you have retained the services of Charles Gambrell of Columbia, South Carolina, who has looked into these matters for you previously.

As for the disposition of the guns that were stolen from your home in 1978, I have received a letter from Sheriff Frank Powell of Richland County which outlines what happened to your guns. Certain information was received from the Sheriff's Department concerning the sale of your guns, but the Sheriff's Department was unable to locate them. Thus, the information you received that the Sheriff's Department was aware of where your guns were was incorrect.

I hope this letter will be of assistance to you, and if I can be of any further assistance, please do not hesitate to contact me.
Sincerely,

John M. Barton
Assistant Attorney General

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