

1975 WL 174063 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 10, 1975

In Re: Gambling and Drugs, Seizure of Money, When Permissible

*1 Lt. C. C. Long
Detective Division
Police Department
Rock Hill, South Carolina

Dear Mr. Long:

You have inquired as to the circumstances in which money may be confiscated in connection with drug and gambling raids.

When money constitutes evidence to support a criminal charge, it may be seized by law enforcement officers and held for use as evidence until used as such in court, or until disposed of upon order of a court. When such money is admitted as evidence, it is then in custody of the court and the seizing officer has no further responsibility toward it.

Money becomes forfeit to the State only by specific statutory provision, Section 16-507, 1962 Code of Laws of South Carolina, as amended, being an example:

“All and every sum or sums of money staked, betted, or pending on the event of any such game or games as aforesaid are hereby declared to be forfeited.”

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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