

1975 WL 29072 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 14, 1975

\*1 James Verner, Esq.  
Harley & Verner  
Parr Building  
P. O. Box 484  
Newberry, South Carolina 29108

Dear Mr. Verner:

Your letter of July 25, 1975, has been referred to me for reply. You have inquired as to the effect of the recent Amendment to Act 330, 1965, regarding the sale of pistols. Formerly, mayors and clerks of court were authorized to sell forfeited weapons. See Section 16-146, Code of Laws. However, Section 4 of the Amendment to Act 330 provides in pertinent part as follows:

‘Notwithstanding any other provisions of law, such pistol shall be delivered to the chief of police of the municipality or to the sheriff of the county, if the violation occurred outside the corporate limits of a municipality. The law enforcement agencies that receive the confiscated pistols shall use them within their department, transfer them to another law enforcement agency or destroy them. Records shall be kept of all confiscated pistols received by the law enforcement agencies under the provisions of this Act.’

Therefore the City of Newberry, proper, has no authority to dispose of confiscated pistols at public sale as that authority has devolved to the law enforcement agencies.

With best wishes,

Herman L. Moore  
Law Clerk

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