

1973 S.C. Op. Atty. Gen. 287 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3616, 1973 WL 21070

Office of the Attorney General

State of South Carolina

Opinion No. 3616

September 5, 1973

***1 In Re: Money Found With Lottery Tickets—Confiscation of**

Captain H. C. Jennings
22 West Broad Street
Police Department
Greenville, South Carolina

Dear Captain Jennings:

You have inquired whether or not money found with a quantity of lottery tickets is subject to forfeiture to the State (municipality or county).

Gaming or gambling was not an offense at the common law, so is illegal only to the degree set forth by statute. Wharton's Criminal Law, Anderson, § 903. It follows that monies used by a lottery operation are subject to forfeiture only if such is provided by statute.

Our state law provides for forfeiture of monies wagered on certain games (Sections 16–507, 16–504 through 16–506, 1962 Code of Laws of South Carolina, as amended), but I see no statutory provision for forfeiture of monies used in lottery operations. Such money may be seized and held as evidence, but I see no authority for it to be declared forfeited to the State.

Very truly yours,

Joseph C. Coleman
Deputy Attorney General

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