



# Part 3: Crimes of Moral Turpitude

# Crimes of Moral Turpitude

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TO: File  
THROUGH: Gwendolyn S. Green; Assistant General Counsel  
FROM: Jack W. Hammack, Jr., Law Clerk  
RE: Crimes of Moral Turpitude

DATE: March 29, 2000

**This list is not exhaustive. For any applicant with a criminal record, consult your agency's legal counsel.**

## Definition:

"Moral turpitude" has been defined as: "... an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man ..." State v. Horton, 248 S.E.2d 263 (S.C. 1978); see also, State v. Morris, 345 S.E.2d 477 (S.C.1986); State v. Drakeford, 350 S.E.2d 391 (S.C. 1986); State v. Yates, 310 S.E.2d 805 (S.C. 1982).

## Crimes which have been declared crimes of moral turpitude by S.C. Courts or Attorney General Opinions:

Accepting Bribes for the Dismissal of Charges (32)  
Accessory to Bank Robbery (5)  
Accommodation Sale of MDA (21)  
Arson (15)(34)  
Assault With Intent to Ravish/Rape (6)  
Assault and Battery with Intent to Kill (14)(29)  
Auto Theft (8)  
Breaking Into Vehicle with Intent to Steal (20)  
Burning an Untenanted or Unoccupied Building (§ 16-11-560) (34)  
Conspiracy to Distribute Marijuana (16)  
Conspiracy to Import Marijuana (28)  
Criminal Sexual Conduct (any degree) (11) (32)  
Criminal Sexual Conduct with a Minor (any degree) (17)  
Distribution of Cocaine (16)  
Distribution of Marijuana (16) Failure to File Tax Returns (40)  
Forgery (13)  
Fraudulent Check (25)  
Grand Larceny (2)(10)  
Hit and Run Driving (12)  
Housebreaking (2) (10) (13)  
Indecent Exposure (39)  
Kidnapping (38)  
Larceny (2) (3) (4)  
Lewd and Lascivious Conduct with Children (9)  
Making Illegal Whiskey (1)  
Malicious Destruction of Personal Property (23)  
Manufacture of Marijuana (19)  
Misconduct in Office (§ 8-1-80) (31)  
Obtaining Money Under False Pretenses (7)  
Peeping Tom (22)  
Possession of Cocaine (26)

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Possession of Heroin (27)  
Possession of Marijuana with Intent to Distribute (18) (19) (33)  
Receiving Stolen Goods (8)  
Resisting Arrest (§ 16-9-320(2)) (30)  
Robbery (3)  
Trafficking in Marijuana (Including the Conspiracy to Import) (28)  
Use of Official Position for Financial Gain (35)  
Willfully Burning the Lands of Another (36)

Crimes which may be crimes of moral turpitude depending on the facts of the particular case:

Assault and Battery of a High and Aggravated Nature (37)  
Failure to Yield Right of Way (24)

## Discussion:

Crimes of moral turpitude have been those that involve an element of fraud, dishonest behavior, or a breach of one's duty to society. (12) However, the rulings in Major (26) and Gibson (27) involve conduct which is self-destructive and therefore a departure from prior law. For guidance purposes, the above list of crimes, as well as others, which involve fraud and sexual crimes or offenses (37), are certainly crimes of moral turpitude.

1. Gantt v. Columbia Coca-Cola Bottling Co., 29 S.E.2d 488 (S.C. 1944)
2. State v. Van Williams, 46 S.E.2d 665 (S.C. 1948) 3.
3. State v. Com, 54 S.E.2d 559 (S.C. 1949)
4. State v. Reggen, 52 S.E.2d 708 (S.C. 1949)
5. State v. Gregg, 95 S.E.2d 255 (S.C. 1956)
6. State v. Chasteen, 97 S.E.2d 517 (S.C. 195-7) 7.
7. Daniel v. Hazel, 131 S.E.2d260 (S.C. 1963)
8. State v. Millings, 145 S.E.2d 422 (S.C. 1965)
9. In re McDonald, 239 S.E.2d 83 (S.C. 1977) 10.
10. State v. Vaughn, 232 S.E.2d 328 (S.C. 1977) 11.
11. State v. Lee, 237 S.E.2d 768 (S.C. 1977)
12. State v. Horton, 248 S.E.2d 263 (S.C. 1978)
13. State v. Johnson, 248 S.E.2d 313 (S.C. 1978)
14. Jamison v. Howard, 271 S.E.2d 116 (S.C. 1980)
15. State v. Yates, 310 S.E.2d 805 (S.C. 1982)
16. In Matter of Ramsev, 301 S.E.2d 470 (S.C. 1983)
17. State v. McFarlane, 306 S.E.2d 611 (S.C. 1983)
18. State v. Lilly, 299 S.E.2d 329 (S.C. 1983)
19. State v. Drakeford, 350 S.E.2d 391 (S.C. 1986)
20. Rouse v. McCrory, 353 S.E.2d 130 (S.C. 1986)
21. Porter v. State, 348 S.E.2d 172 (S.C. 1986)
22. State v. Harris, 358 S.E.2d 713 (S.C. 1987)
23. State v. Ball, 354 S.E. 2d 906 (S.C. 1987)
24. State v. Perry, 364 S.E.2d 201 (S.C. 1988)

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25. State v. Harrison, 380 S.E.2d 818 (S.C. 1989)
26. State v. Major, 391 S.E.2d 235 (S.C. 1990)
27. In Matter of Gibson, 393 S.E.2d 184 (S.C. 1990)
28. Green v. Hewett, 407 S.E.2d 651 (S.C. 1991)
29. Horton v. State, 411 S.E.2d 223 (S.C. 1991)
30. State v. Hall, 411 S.E.2d 441 (S.C. App. 1991)
31. In Matter of Mendenhall, 447 S.E.2d 858 (S.C. 1994)
32. In Matter of Roberts, 503 S.E. 2d 160 (S.C. 1998)
33. Merritt v. Grant, 328 S.E.2d 346 (S.C. App. 1985)
34. Attorney General Opinion, January 23, 1991
35. Attorney General Opinion, March 20, 1992, OS 4475
36. Attorney General Opinion, July 16, 1992
37. Attorney General Opinion, April 19, 1994
38. Attorney General Opinion, February 9, 1995
39. Attorney General Opinion, January 27, 1998
40. Attorney General Opinion, February 3, 1998

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## MORAL TURPITUDE

### **Accessory to Bank Robbery**

State v. Gregg, 230 S.C. 222, 95 S.E.2d 255 (1956)  
See S.C. Ann. 16-1-40 (accessory)

### **Accommodation sale of MDA (methylenedioxy amphetamine/controlled substance)**

Porter v. State, 290 S.C. 38, 348 S.E.2d 172 (1986),  
S.C. Ann. 44-53-190(d)(l)

### **Agriculture, false statement of agriculture form**

Op. Att'y Gen. March 6, 1990  
June 13, 1989  
December 18, 1975

### **Arson**

State v. Perry, 294 S.C. 311, 364 S.E.2d 201 (1988)  
State v. Yates, 280 S.C. 29, 310 S.E.2d 805 (1982)  
Op. Att'y Gen. January 23, 1991 (S.C. Ann. 16-11-560)  
July 16, 1992  
S.C. Ann. 16-11-110

### **Assault and battery, high and aggravated nature (ABHAN)**

State v. Bailey, 275 S.C. 444, 272 S.E.2d 439 (1980)  
ABRAN **depends** on circumstances (would be crime of moral turpitude if ABRAN conviction resulted as a lesser included offense from an indictment of criminal sexual conduct or ABIK)  
State v. Hall, 306 S.C. 293, 411 S.E.2d 441 (1991)  
Op. Att'y Gen. April 19, 1994  
Common Law

### **Assault and battery with intent to kill**

State v. Spinks, 260 S.C. 404, 196 S.E.2d 313 (1973)  
Assault w/intent to kill (Common Law)  
Horton v. State, 306 S.C. 252, 411 S.E.2d 223 (1991)  
Jamison v. Howard, 275 S.C. 344, 271 S.E.2d 116 (1980)  
Op. Att'y Gen. March 18, 1983  
October 27, 1981  
December 29, 1980  
S.C. Ann. 16-3-620

### **Assault with intent to rape**

State v. Jones, 271 S.C. 287, 247 S.E.2d 3 (1978)  
See S.C. Ann. 16-3-656 (assault with intent to commit criminal sexual conduct)

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## **Assault with intent to commit criminal sexual conduct**

Op. Att'y Gen. April 19, 1994  
November 22, 1985  
October 29, 1981  
S.C. Ann. 16-3-656

## **Attempted Robbery**

Op. Att'y Gen. March 18, 1983  
S.C. Ann. 16-11-330 (with a deadly weapon)  
16-11-325 (Common Law robbery)  
16-1-80 (attempted)

## **Auto theft**

State v. Millings, 247 S.C. 52, 145 S.E.2d 422 (1965)  
See S.C.; Ann 16-3-1075 (carjacking)

## **Bank Robbery, accessory to**

State v. Gregg, 230 S.C. 222, 95 S.E.2d 255 (1956)  
18 U.S.C.A 3 (defines accessory)

## **Breach of trust with fraudulent intent**

In Re Derrick, 301 S.C. 367, 392 S.E.2d 180 (1990)  
In Re Sipes, 377 S.E.2d 574, 297 S.C. 531 (1989)  
Op. Att'y Gen. March 18, 1983  
November 24, 1980  
S.C. Ann. 16-13-230  
Code of Professional Responsibility

## **Breaking into a Vehicle with Intent to Steal**

Rouse v. McCrory, 291 S.C. 218, 353 S.E.2d 130 (1986)  
S.C. Ann. 16-13-160 and 16-11-320 (similar to housebreaking) - repealed by 1985 Act  
No. 159 §4 eff. June 20, 1985

## **Bribe, law enforcement officer accept**

Op. Att'y Gen. September 19, 1979  
September 18, 1979  
S.C. Ann. 16-9-220 and 57-1-40

## **Bribery**

Op. Att'y Gen. July 26, 1983  
S.C. Ann. 7-25-50 (votes), 16-9-280, 16-17-540, 16-17-550 (athletes/officials), see above

## **Bribing a Tax Auditor**

See Bribing an Official S.C. Ann. 16-9-210 (executive, legislative, or judicial)  
18 U.S.C.A 201

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**Burning lands of another, willful**

S.C. Ann. 16-11-150, 16-11-170  
Op. Att'y Gen. July 16, 1992

**Burning Untenanted or unoccupied (unfinished) building**

S.C. Ann. 16-11-560  
Op. Att'y Gen. January 23, 1991  
July 16, 1992

**Cocaine possession with intent to distribute**

Porter v. State, 290 S.C. 38, 348 S.E.2d 172 (1986) (controlled substance)  
In Re Moseley, 302 S.C. 429, 396 S.E.2d 830 (1990)  
S.C. Ann. 44-53-375

**Cocaine/marijuana, trafficking in:**

In re Moseley, 302 S.C. 429, 396 S.E.2d 830 (1990)  
Green v. Hewett, 305 S.C. 238, 407 S.E.2d 651 (1991)  
S.C. Ann. 44-53-370

**Cocaine, simple possession**

State v. Major, 301 S.C. 181, 391 S.E.2d 235 (1990) (overruling State v. Ball, 292 S.C. 71, 354 S.E.2d 906 (1987))  
In re Moseley, 302 S.C. 429, 396 S.E.2d 830 (1990)  
S.C. Ann. 44-53-375

**Cocaine and crack cocaine, attempting to possess**

Op. Att'y Gen. June 25, 1991  
S.C. Ann. 44-53-375

**Conspiracy to Accept Bribes**

Op. Att'y Gen. March 22, 1978  
See S.C. Ann. 16-9-210 & 16-9-220 (officers), and 16-17-410 (conspiracy)

**Conspiracy to commit offense involving moral turpitude (fraud, deceit, misrepresentation)**

Op. Att'y Gen. March 11, 1988  
March 18, 1983  
S.C. Ann. 44-53-420  
See Conspiracy S.C. Ann. 25-7-60

**Conspiracy to commit offenses against the United States using mail to defraud persons and to obstruct justice**

Op. Att'y Gen. July 1, 1981  
February 5, 1981  
May 28, 1976  
18 U.S.C.A 371

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## **Conspiracy to Distribute Marijuana and Cocaine**

In Matter of Ramsey, 279 S.C. 29, 301 S.E.2d 470 (1983)  
See S.C. Ann. 44-53-370

## **Conspiracy to Import Marijuana**

Green v. Hewett, 305 S.C. 238, 407 S.E.2d 651 (1991)  
21 U.S.C. 963 (conspiracy)  
See S.C. Ann. 44-53-170(e)

## **Contempt of court due to attempted jury tampering**

Op. Att'y Gen. January 24, 1983  
March 2, 1982  
S.C. Ann. 14-1-150

## **Controlled substances, conspiracy to distribute**

Op. Att'y Gen. April 24, 1981  
March 18, 1983  
December 16, 1981  
S.C. Ann. 44-53-370  
21 U.S.C. 812 & 841(a)(1) - manufacture, distribution, dispensing, controlled substance

## **Controlled substance, possession with intent to distribute**

State v. Lilly, 278 S.C. 499, 299 S.E.2d 329 (1983) (marijuana)  
Op. Att'y Gen. December 16, 1981 (conspiracy to possess w/ intent to distribute)  
S.C. Ann. 44-53-370

## **Controlled substance, sale of**

Porter v. State, 290 S.C. 38, 348 S.E.2d 172 (1986)  
S.C. Ann. 44-5-3-370

## **Crack Cocaine, attempted possession**

Op. Att'y Gen. June 25, 1991  
S.C. Ann. 44-53-370, 44-53-375 and 44-53-110 (Definitions)

## **Crack Cocaine, simple possession**

Op. Att'y Gen. June 25, 1991  
May 8, 1990  
S.C. Ann. 44-53-375

## **Criminal Sexual conduct with a minor in any degree**

State v. McFarlane, 279 S.C. 327, 306 S.E.2d 611 (1983)  
Op. Att'y Gen. April 19, 1994  
November 22, 1985  
March 18, 1983  
October 29, 1981  
S.C. Ann. 16-3-655 (16-3-652, 16-3-653, 16-3-654)

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## **Drugs** (more detail under alphabetical listings)

### **Cocaine, simple possession of**

State v. Major, 301 S.C. 181, 391 S.E.2d 235 (1990)

### **Cocaine and crack cocaine, attempting to possess**

Op. Att’y Gen June 25, 1921

### **Controlled substances, conspiracy to distribute**

21 U.S.C.812 & 841(a)(1)

### **Controlled substance, sale of**

Porter v. State, 290 S.C: 38, 348 S.E.2d 172 (1986)

### **Controlled substance, simple possession**

State v. Lilly, 278 S.C. 499, 299 S.E.2d 329 (1983)

### **Marijuana, manufacture of**

State v. Drakeford, 290 S.C. 338, 350 S.E.2d 391 (1986)

### **Marijuana, possession of with intent to distribute**

State v. Lilly, 278 S.C. 499, 299 S.E.2d 329 (1983)

### **Narcotics, sale of**

Merritt v. Grant, 285 S.C. 150, 328 S.E.2d 346 (Ct. App. 1985)

## **Embezzlement**

Op. Att’y Gen. June 6, 1973

July 23, 1981

May 27, 1983

May 28, 1976

March 18, 1983 (of public funds)

S.C. Ann. 16-3-210

## **Extortion**

Op. Att’y Gen. March 22, 1984

December 19, 1973

Common Law

See S.C. Ann. 16-17-640 (Blackmail)

18 U.S.C. 1951

## **Failure to remit employee withholding taxes**

Lyons v. Butler, 288 S.C. 498, 343 S.E.2d 630 (1986)

26 U.S.C.A 6672

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**Failing to file Income tax returns**

Op. Att’y Gen. February 3, 1998  
S.C. Ann. 12-6-5520 (corporations), 12-54-40 repealed by 1999 Act No. 114 §4.S eff. June 30,1999

**False Pretenses, conspiracy to obtain money under**

Daniel v. Hazel, 242 S.C. 443, 131 S.E.2d 260 (1963)  
S.C. Ann. 16-13-260 and 16-13-240

**False pretenses, obtaining property**

Op. Att’y Gen. Mach 11, 1974  
S.C. Ann. 16-13-240 and 16-13-260

**False Statement, filing on a federally insured financial institution with respect to a loan application**

Op. Att’y Gen. June 13, 1989  
March 6, 1990  
18 U.S.C. 1014

**False Statement or concealing material facts on title or vehicle registration**

Op. Att’y Gen. March 6, 1990  
June 13, 1989  
March 11, 1988  
S.C. Ann. 56-19-240 and 16-21-10

**False Statement, making**

Op. Att’y Gen. August 31, 1990  
March 6, 1990  
June 13, 1989  
March 11, 1988  
18 U.S.C. 1001 (Op. Att’y Gen. April 3, 1979)

**False Statement overvaluing any security**

Op. Att’y Gen. April 30, 1982-  
S.C. Ann. 8-13-220 repealed by 1991 Act No. 248 § 3 eff. January 1, 1992  
15 U.S.C. 714(m)(a)

**False Statement to obtain unemployment benefits**

Op. Att’y Gen. August 31, 1990  
March 6, 1990  
June 13, 1989  
March 11, 1988  
S.C. Ann. 41-41-10

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## **False statement on tax forms**

Op. Att’y Gen. October 25, 1978  
S.C. Ann. 12-29-630 repealed by 1995 Act No. 60 eff. August 1, 1995  
26 U.S.C. 7206(1)

## **Firearm, pointing and presenting a**

S.C. Ann. 16-23-410

## **Fixing of bids; dishonest and corrupt**

Op. Att’y Gen. September 14, 1995  
S.C. Ann. 11-35-1525 and 8-13-720

## **Forgery**

State v. Johnson, 271 S.C. 485, 248 S.E.2d 313 (1978)  
S.C. Ann. 16-13-10

## **Fraud through use of the United States mail**

In the Matter of Parker, 313 S.C. 47, 437 S.E.2d 37 (1993)  
18 U.S. C. 1341

## **Fraudulent check, utterings of**

State V. Harrison, 298 S.C. 333, 380 S.E.2d 818 (S.C. 1989)  
S.C. Ann. 34-11-60

## **Furnishings false property tax receipts**

Op. Att’y Gen. August 31, 1990  
S.C. Ann. 12-54-40(b)(6)(d) - repealed by 1999 Act No. 114 §4.S, eff. June 30, 1999

## **Heroin**

S.C. Ann. 44-53-370

## **Hit and Run**

State v. Horton, 271 S.C. 413, 248 S.E.2d 263 (1978)  
Op. Att’y Gen. February 1, 1980  
See S.C. Ann. 56-l-720 (point system)

## **Housebreaking**

State v. Yates, 280 S.C. 29, 310 S.E.2d 805 (1982)  
State v. Johnson, 271 S.C. 485, 248 S.E.2d 313 (1978)  
State v. Van Williams, 212 S.C. 110, 46 S.E.2d 665 (1948)  
S.C. Ann. 16-11-320

## **Housebreaking and Grand Larceny**

State v. Vaughn, 268 S.C. 119, 232 S.E.2d 328 (1977)  
State v. Van Williams, 212 S.C. 110, 46 S.E.2d 665 (1948)  
S.C. Ann. 16-11-320 (housebreaking)- repealed and 16-13-30 (grand larceny)

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## **Illegal drugs, sale distribution of**

Merritt v. Grant, 285 S.C. 150, 328 S.E.2d 346 (Ct. App. 1985)  
Porter V. State, 290 S.C. 38, 348 S.E.2d 172 (1986)  
S.C. Ann. 44-53-370

## **Income tax evasion**

Op. Att'y Gen. February 18, 1969 (federal)  
S.C. Ann. 12-54-155

## **Indecent exposure with intent to sexually arouse**

Op. Att'y Gen. January 27, 1998  
S.C. Ann. 16-15-130

## **Jury tampering - look at specific grounds**

Op. Att'y Gen. January 14, 1983  
March 2, 1982  
March 18, 1983  
S.C. Ann. 16-9-260

## **Jury, grand attempted tampering**

Op. Att'y Gen. January 24, 1983  
S.C. Ann. 16-9-350 (attempted jury tampering)

## **Kidnaping**

Op. Att'y Gen. February 15, 1995  
February 9, 1995  
S.C. Ann. 16-3-910 and 16-3-920 (conspiracy to commit)

## **Knowingly distribute drugs**

Op. Att'y Gen. July 17, 1979  
S.C. Ann. 44-53-370  
See S.C. Ann. 44-54 et seq. For Drug Dealer Liability Act  
21 U.S.C. 841(a)(1)

## **Larceny**

Lyons v. Butler, 288 S.C. 498, 343 S.E.2d 630 (1986)" ·  
State v. Yates, 280 S.C. 29,310 S.E.2d 805 (1982) ·  
State v. Vaughn, 268 S.C. 119, 232 S.E.2d 328 (1977)  
State v. Van Williams, 212 S.C. 11,0,46 S.E.2d 665 (1948)  
State v. Corn, 215 S.C. 166, 54 S.E.2d 559 (1949)  
State v. Reggen, 214 S.C. 370, 52 S.E.2d 708 (1949)  
State v. Spinks, 260 S.C. 404, 196 S.E.2d 313 (1973)  
S.C. Ann. 16-13-30 and 16-1-57

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**Larceny, Conversion of property**

Op. Att’y Gen. April 30, 1982  
15 U.S.C. 714(m)(c)

**Larceny, Grand**

State v. Yates, 280 S.C. 29, 310 S.E.2d 805 (1982)  
State v. Van Williams, 212 S.C. 110, 46 S.E.2d 665 (1948)  
S.C. Ann. 16-13-30

**Larceny, Petit**

State v. Hall, 306 S.C. 293, 411 S.E.2d 411 (1991)

**Law enforcement officer taking or accepting a bribe**

S.C. Ann. 16-9-220

**Lewd act upon a child**

In re McDonald, 269 S.C. 598, 239 S.E.2d 83 (1977)  
Op. Att’y Gen. April 19, 1994  
November 22, 1985  
October 29, 1981  
S.C. Ann. 16-15-140 and 23-3-430

**Mail fraud**

Op. Att’y Gen. January 1, 1981  
January 13, 1979  
18 U.S.C.A 1341

**Mail in aid of a felony**

Op. Att’y Gen. July 17, 1979  
21 U.S.C. 843(b)

**Making (Manufacture) Illegal Whisky, illicit distilling of liquor to defraud federal government of tax imposed**

Gantt v. Columbia Coca-Cola Bottling Co., 204 S.C. 374, 29 S.E.2d 488 (1944)

**Making a Knowing Misstatement of Facts**

Op. Att’y Gen. March 6, 1990

**Malicious Destruction of Personal Property/Malicious willful and unlawful of destruction of natural property**

State v. Perry, 294 S.C. 311, 364 S.E.2d 201 (1988)  
Op. Att’y Gen. July 16, 1992  
S.C. Ann. 16-11-510 and 16-1-57

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## **Manufacture of Marijuana**

Green v. Hewett, 305 S.C. 238, 407 S.E.2d 65f(1991)  
State v. Drakeford, 290 S.C. 338, 350 S.E.2d 391 (1986)  
S.C. Ann. 44-53-110 and 44-53 370

## **Misapplication of mortgage proceeds**

In re Pride, 276 S.C. 363, 278 S.E. 2d 774 (1981)  
S.C. Ann. 31-13-200

## **Misconduct in Office**

In Matter of Mendenhall, 316 S.C. 196, 447 S.E.2d 858 (1994)  
Op. Att'y Gen. March 7, 1980  
S.C. Ann. 8-1-80  
See S.C. Ann. 16-11 320 and 16-13-160

## **Mistreatment of a Child (sexual exploitation of a minor, contributing to the delinquency of a minor, sexual conduct with a minor, molestation of a child, and child abuse)**

Op. Att'y Gen. April 30, 1991  
S.C. Ann. 20-7-60 repealed by 1996 Act. No. 450 §2.2 eff. January 1, 1997

## **Motor vehicle, breaking into with intent to steal**

Rouse v. McCrory, 291 S.C. 218, 353 S.E.2d 130 (1986)  
See S.C. Ann. 16-13-160 and 16-3-1075 (carjacking)

## **Murder**

State v. Hyman, 276 S.C. 559, 281 S.E.2d 209 (1981)  
S.C. Ann. 16-3-10

## **Murder, solicitation to commit**

Whitehead v. State, 308 S.C. 119, 417 S.E.2d 529 (1991)  
S.C. Ann. 25-1-2905

## **Narcotics, Sale of**

Merritt V. Grant, 285 S.C. 150, 328 S.E.2d 346 (1985)  
S.C. Ann. 44-53-370 and 44-53 375 (cocaine)

## **Obstruction of justice by influencing grand jury**

Op. Att'y Gen. February 26, 1986  
October 16, 1979  
S.C. Ann. 16-9-350  
Common Law  
18 U.S.C. 1503

# Crimes of Moral Turpitude

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## **Obtaining Money Under False Pretense**

Daniel v. Hazel, 242 S.C. 443, 131 S.E.2d 260 (1963)  
Op. Att’y Gen. March 6, 1990  
S.C. Ann.16-13-260 (property)

## **Official office, use of for financial gain**

Op. Att’y Gen. February 1, 1980  
March 20, 1991  
Former S.C. Code 18-13-410

## **Peeping Tom**

State v. Harris, 293 S.C. 75 358 S.E.2d 713 (1987)  
Att’y Gen. Op. May 5, 1998  
April 19, 1994  
S.C. Ann. 16-17-470

## **Personal Property. malicious destruction of**

S.C. Ann. 16-11-510

## **Possession of Cocaine**

In Matter of Gibson, 302 S.C. 12, 393 S.E.2d 184 (1990)  
State v. Major, 301 -S.C. 181, 391 S.E.2d 235 (1990) (overruling State v. Ball, 292 S.C.  
71, 354 S.E.2d 906 (1987))  
S.C. Ann. 44-53-375and 56-1-745

## **Possession of Controlled substance with intent to distribute**

Porter v. State, 290 S.C. 38, 348 S.E.2d 172 (1986)  
State v. Lilly, 278 S.C. 499, 299 S.E.2d 329 (1983)  
S.C. Ann. 44-53-375

## **Possession of Heroin**

In Matter of Gibson, 302 S.C. 12,393 S.E.2d 184 (1990)  
S.C. Ann. 44-53-370

## **Possession of Marijuana with intent to distribute**

State v. Lilly, 278-S.C. 499, 299 S.E.2d 329 (1983)  
State v. Drakeford, 290 S.C. 338, 350 S.E.2d 391 (1986)  
Merritt v. Grant, 285 S.C. 150, 328 S.E.2d 346 (1985)  
Green v. Hewitt, 305 S.C. 238, 407 S.E.2d 651 (1991)  
S.C. Ann. 44-53-370

## **Public official use of official position to obtain financial gain**

Op. Att’y Gen. March 20, 1991  
February 1, 1980  
S.C. Ann. 8-13-410

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**Public Supervisor, willful failure to perform his duty to inspect and receive reports with the intention of defrauding the county**

State v. Jaques, 655 S.C.178, 43 S.E.2d 515 (1903)  
Op. Att’y Gen. May 27, 1983

**Rape**

State v. Lee, 269 S.C. 421, 237 S.E.2d 768 (1977)  
Op. Att’y Gen. April 19, 1994  
November 22, 1985  
See Criminal Sexual Conduct  
Common Law

**Receiving Stolen Goods**

State v. Millings, 247 S.C. 52, 145 S.E.2d 422 (1965)  
S.C. Ann. 16-13-180

**Resisting Arrest**

State v. Hall, 306 S.C. 293, 411 S.E.2d 441 (Ct. App. 1991) (may depend on circumstances of the case – non-violent is not)  
S.C. Ann. 16-3-625 (with a deadly weapon), 16-9-320(2)

**Robbery**

State V. Corn, 215 S.C. 166, 54 S.E.2d 559 (1949)  
Op. Att’y Gen. June 25, 1991  
S.C. Ann. 16-11-325, 24-19-10(d), 16-11-330 (armed with a deadly weapon)

**Robbery, armed**

State v. Spinks, 260 S.C. 404, 196 S.E.2d 313 (1973)  
S.C. Ann. 16-11-330

**Robbery attempted**

State v. Spinks, 260 S.C. 404, 196 S.E.2d 313 (1973)  
Op. Att’y Gen. June 25, 1991  
See above

**School Administrators, requirement to contact law enforcement authorities when criminal contact occurs**

Op. Att’y Gen. October 13, 1995  
S.C. Ann. 20-7-510

**Sexual offenses of virtually every kind and variety**

Op. Att’y Gen. April 19, 1994  
S.C. Ann. Defined in 44-48-30 (16-6-645,16-3-654-55, 16-3-810-820, 16-3-656, 16-15-20, 16-15-120, 16-15-140)

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## **Shoplifting**

Op. Att’y Gen. 3-19-90  
S.C. Ann. 16-13-110, 16-1-57

## **Tax, making false and fraudulent statement on Federal tax returns**

Op. Att’y Gen. October 25, 1978  
26 U.S.C. 7206(1)

## **Tax fraud**

Op. Att’y Gen. October 25, 1978 (IRS violations)  
March 31, 1978 (IRS violations)  
S.C. Ann. 12-29-630 Repealed by 1995 Act No. 60 §41 eff. August 1, 1995

## **Tax Fraud, possession of illegal whiskey, illicit distilling of liquor**

Gantt v. Coca Cola, 204 S.C. 374, 29 S.E.2d 488 (1944)

## **Trafficking in Marijuana (Including conspiracy to import)**

Green v. Hewett, 305 S.C. 238, 407 S.E.2d 651 (1991)  
S.C. Ann. 44-53-370 and 56-1-745  
21 U.S.C 952

## **Use of Official Position for Financial Gain**

Op. Att’y Gen. March 20, 1991  
March 18, 1983  
February 1, 1980  
S.C. Ann. 8-13-700 and 8-13-410 repealed by 1991 Act No. 248 §3 eff. January 1, 1992

## **Vote buying, conspiracy**

Op. Att’y Gen. February 5, 1981  
July 1, 1981  
March 18, 1983 (vote buying)  
42 U.S.C. 1973

**This list is not exhaustive. For  
any applicant with a criminal  
record, consult your agency’s  
legal counsel.**



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