



HENRY McMASTER  
ATTORNEY GENERAL

October 28, 2008

John E. Ewing, Jr., Chief of Police  
City of Bishopville  
112 E. Council Street  
Bishopville, South Carolina 29010

Dear Chief Ewing:

In a letter to this office you questioned whether the Stinger Systems S-200 electronic control device can be used by law enforcement in this State. Your letter indicated that you are considering purchasing such device which is sold by Southeastern Public Safety which has an office in Piedmont, S.C. According to your letter,

The Stinger Systems S-200 is a device used to subdue a person much the same way as the Taser, with the major difference being the cartridge and method of dart propulsion: Stinger uses a primer and the Taser uses nitrogen capsules...The ECD is classified as a firearm as described by ATF, because according to Southeastern Public Safety, when fired the two dart projectiles are propelled up to 22 feet by a primer cap much like the ones used in ammunitions, however, it is not constructed of any die-cast nor does it have any metal alloy frame, but can withstand high temperatures for a limited period of time...(W)e discovered that since the Stinger is classified as a firearm as described by ATF due to the fact that it is propelled by a primer cap, this device may be in violation of SC State Statute 23-31-180.

S.C. Code Ann. § 23-31-180 states that

[n]o licensed retail dealer may hold, store, handle, sell, offer for sale, or otherwise possess in his place of business a pistol or other handgun which has a die-cast, metal alloy frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit. A pistol or other handgun possessed or sold by a dealer in violation of this article is declared to be contraband and must be forfeited to or seized by the law enforcement agency in the municipality where forfeited or seized or to the law enforcement agency in the county where forfeited or seized if forfeited or seized outside a municipality.

As set forth by such provision, the prohibition regarding the pistols or handguns described restrict the holding or sale by a licensed retail dealer in his place of business. This office in an

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opinion dated March 15, 2005 stated that as to the question of whether a taser was included within the prohibition of Section 23-31-180,

...it must be noted that...(Section 23-31-180)...never prohibited the possession or use of a taser by law enforcement officers in this State. The statute referenced in the opinion only prohibited the possession in a place of business or sale of the weapons prohibited by such provision and had nothing to do with the legality of law enforcement's use of any weapon.

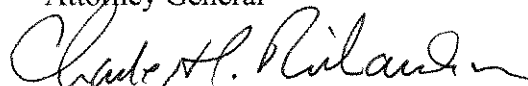
Consistent with such, as to the Stinger Systems S-200 electronic control device, Section 23-31-180 does not prohibit the possession or use of such device by law enforcement but only goes to the question of the possession in a place of business or sale of the weapon.

As to the question of the possession in a place of business or sale of the weapon, Section 23-31-180's prohibition goes to "a pistol or other handgun which has a die-cast, metal alloy frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit." In your letter you indicated that the ATF has classified the device as a firearm so the question to be resolved is whether it "has a die-cast, metal alloy frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit." Such a determination is beyond the scope of an opinion of this office inasmuch as this office cannot in an opinion determine facts. I can only suggest that you consult with the distributor for a resolution of that issue to assist in determining whether the device can be possessed or sold by a place of business in this State due to the specific prohibitions of Section 23-31-180.

With kind regards, I am,

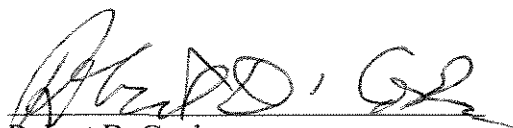
Very truly yours,

Henry McMaster  
Attorney General



By: Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



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