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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

February 15, 2000

Dann Camp, Director/Hearing Officer
Lexington County School District Two
Office of Student Services
617 Indigo Avenue
Cayce, South Carolina 29033

Dear Mr. Camp,

Thank you for your letter of December 17, 1999, which has been referred to me for a response. You ask for an opinion about the interpretation of a State law that prohibits the carrying of a knife with a blade over two inches long on school property.

By way of background you inform us that a student, charged with possession of a knife on school grounds, made a reasonable argument about how the length of the knife's blade should be measured. Measured one way, the length of pocket knife blade from the tip to where the blade meets the handle would exceed two inches. Measured another way, from the tip of the blade to the end of the cutting edge of the blade, the length is less than two inches. Because of the uncertainty of how to measure the length of the blade for purposes of the statute, the student was allowed to return to school.

South Carolina Code Section 16-23-430 reads, in part:

(1) It shall be unlawful for any person, except State, county or municipal law-enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, firearms or any other type of weapon, device or object which may be used to inflict bodily injury or death.

The following rules of statutory construction are relevant here. "In interpreting any statute, the primary purpose is to ascertain the intent of the legislature." State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). The court must apply the clear and unambiguous terms of the statute according to their literal meaning. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991). If the intent of the

Relevant Statute

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legislature is clearly apparent from the language, the court may not embark upon a search for it outside the statute. Timmons v. South Carolina Tricentennial Commission, 254 S.C. 378, 175 S.E.2d 805 (1970).

Giving the words in Section 16-23-430 their plain and ordinary meaning, I must advise that in my judgment the legislature did not intend to exclude the notched edge of the blade when measuring its length. Although the statute does not specify how the blade should be measured, the statute does use the term "blade" instead of cutting edge. Under the plain meaning of the statute, the entire length of the blade should be measured to determine whether the knife is prohibited.

Please be advised, however, that the length of the blade is not necessarily outcome determinative. The statute specifies a knife with a blade over two inches long as absolutely prohibited, but also prohibits any other "weapon, device, or object which may be used to inflict bodily injury or death." In Garvin v. State, 324 S.C. 104, 477 S.E.2d 470 (1996), a minor who brought to school a razor blade, or as he argued, a box-cutter, measuring less than two inches in length was convicted under Section 16-23-430. The Court of Appeals upheld the family court's ruling that although the weapon was not a knife within the meaning of the statute, whether the weapon could be used to inflict bodily injury or death was a question of fact. Id. Thus, while a knife with a blade over two inches long would certainly violate Section 16-23-430, a court could find a that minor's possession on school grounds of a knife with a blade less than two inches long is also a violation.

This letter is an informal opinion only. It has been written by a designated Senior Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General not officially published in the manner of a formal opinion.

With kind regards, I remain

Very truly yours,



Robert D. Cook
Assistant Deputy Attorney General