

1976 S.C. Op. Atty. Gen. 136 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4316, 1976 WL 22935

Office of the Attorney General

State of South Carolina

Opinion No. 4316

March 30, 1976

*1 TO: J. P. Strom
Chief
South Carolina Law Enforcement Division

QUESTION PRESENTED:

For the purpose of Section 16–129.3:1, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, relating to the purchase of pistols, what evidence is acceptable as proof of residency in the State of South Carolina?

AUTHORITIES CITED:

Section 16–129.3:1 CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended.

[Phillips v. South Carolina Tax Commission](#), 12 S.E.2d 13 (1940).

DISCUSSION:

Section 16–129.3:1, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, provides in part:
No person shall be allowed to purchase a pistol from a dealer unless he is a resident of the State of South Carolina. For the purposes of this article, the possession of a valid South Carolina driver's license or South Carolina Highway Department identification card shall constitute proof of residency.

The term resident requires that one have his residence in South Carolina. Since residence is a general term susceptible of varying interpretations, its precise meaning is dependent upon the context and in a statutory context is governed by legislative intent or purpose. [Phillips v. South Carolina Tax Commission](#), 12 S.E.2d 13 (1940).

In the absence of any specific statement of intent or purpose, but with due regard given to the subject matter of the statute (the regulation of the sale of handguns) the term resident in this context would require evidence that a person actually resides in the State. Manifestly a valid South Carolina driver's license or South Carolina Highway Department identification card would constitute proof of residency. Other acceptable evidence may include but is not limited to: current tax receipts or several utility bills for the individual's dwelling house, or automobile registration, etc.—in other words, evidence which identifies a person as actually residing in the State. The term resident here does not require that a person also be a domiciliary, *i.e.* possessing an intent to make South Carolina a fixed or permanent home. It does require that the person making the purchase have a permanent residence in the State at the time of purchase.

CONCLUSION:

Therefore, it is the opinion of this Office that proof of residency required for the purchase of a pistol may be established by any reasonable evidence which demonstrates that the person in question actually lives or resides in South Carolina.

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