

1976 S.C. Op. Atty. Gen. 175 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4348, 1976 WL 22967

Office of the Attorney General

State of South Carolina

Opinion No. 4348

May 13, 1976

***1 A LICENSE SECURITY GUARD MAY NOT CARRY A FIREARM INTO AN ESTABLISHMENT THAT HE HAS NOT BEEN HIRED TO GUARD.**

TO: J. C. Trouton
Department of Police
Greer, South Carolina

QUESTION PRESENTED:

May a licensed security guard carry a firearm into a public business or other establishment where he is not hired or employed as a guard?

AUTHORITY:

Section 56–646.12, Code of Laws of South Carolina, 1962, as amended.

DISCUSSION:

Section 56–646.12, Code of Laws of South Carolina, 1962, as amended, reads in part as follows:

‘(c) Any person engaged in the private security business, or registered in accordance with the provisions of § 56–646.8, and issued a permit in accordance with this section shall be authorized to carry any such firearm in an open and fully-exposed manner only while on duty and in uniform and while going to and from work.’

The language of this section clearly states that in order for a licensed security guard to carry a firearm lawfully, the following conditions must be met:

- (1) the guard must be on duty; or
- (2) traveling to or from work;
- (3) in uniform; and
- (4) he must be carrying the firearm in an open and fully exposed manner.

These requirements are sufficiently broad to permit a licensed security guard to carry a firearm while engaged in a security patrol that requires him to travel from one business establishment to another either in a vehicle or on the public streets, but would not permit the guard to carry a firearm into a place of business or other establishment where he is not hired or employed as a guard. Entry into such an establishment would not be required as part of the guard's duties, and would not be subsumed within ‘going to and from work’ as that phrase is used in this statute.

CONCLUSION:

Therefore, the opinion of this Office is that a licensed security guard may carry a firearm lawfully while he is actually engaged in his duties as a guard or traveling to or from work, in uniform, and with the firearm displayed in an open and fully exposed manner. A security guard may not carry a firearm into an establishment that he has not been hired to guard.

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