

1972 WL 25952 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 23, 1972

***1 Re: H3328**

The Honorable John C. West
Governor of South Carolina
Columbia, South Carolina

Dear Governor West:

You have inquired as to the constitutionality of H3328, providing that it shall be lawful for magistrates and magistrates' constables of Richland County to carry firearms when exercising official duties.

This Office has heretofore expressed the official opinion that magistrates and their constables generally are not exempt from the provisions of Section 16-129.1, 1962 Code of Laws of South Carolina, as amended, which prohibits the carrying of any pistol about the person.

It is the opinion of this Office that the provisions of H3328 are clearly violative of Article 3, Section 34, Constitution of South Carolina, as prohibited special legislation. Ref.: [State v. Hammond](#), 66 S.C. 219, 44 S.E. 797.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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