

7931 Liberty



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

April 1, 2005

Richard J. Austin, Chief
Campus Police, Francis Marion University
Box 100547
Florence, South Carolina 29501-0547

Dear Chief Austin:

In a letter to this office you requested an interpretation of S.C. Code Ann. § 16-23-420 (Supp. 2004) which states:

(A) It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly-owned building, without the express permission of the authorities in charge of the premises or property.

(B) It is unlawful for a person to enter the premises or property described in subsection (A) and to display, brandish, or threaten others with a firearm.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(D) This section does not apply to a guard, law enforcement officer, or member of the armed forces, or student of military science. A married student residing in an apartment provided by the private or public school whose presence with a weapon in or around a particular building is authorized by persons legally responsible for the security of the buildings is also exempted from the provisions of this section.

(E) For purposes of this section, the terms "premises" and "property" do not include state or locally owned or maintained roads, streets, or rights-of-way of them, running through or adjacent to premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, which are open full time to public vehicular traffic.

(F) This section does not apply to a person who is authorized to carry concealed weapons pursuant to Article 4, Chapter 31 of Title 23 when upon any premises, property, or building that is part of an interstate highway rest area facility.

Rembert C. Dennis

Chief Austin
Page 2
April 1, 2005

Such provision, therefore, makes it unlawful for an individual to possess a firearm of any kind on any premises or property owned, operated, or controlled by a university such as Francis Marion University unless otherwise permitted. Subsection (E) provides that "premises" and "property" as used in subsection (a) do not include state or locally owned or maintained roads or streets running through or adjacent to a university when those roads or streets "are open full time to public vehicular traffic." You referenced that the roads of Francis Marion University are not "open full time to public vehicular traffic".

When interpreting the meaning of a statute, certain basic principles must be observed. The cardinal rule of statutory interpretation is to ascertain and give effect to legislative intent. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Typically, legislative intent is determined by applying the words used by the General Assembly in their usual and ordinary significance. Martin v. Nationwide Mutual Insurance Company, 256 S.C. 577, 183 S.E.2d 451 (1971). Resort to subtle or forced construction for the purpose of limiting or expanding the operation of a statute should not be undertaken. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). Courts must apply the clear and unambiguous terms of a statute according to their literal meaning. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991). Statutes should be given a reasonable and practical construction which is consistent with the policy and purpose expressed therein. Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E.2d 166 (1966).

The status of any roads or streets as to whether they are "open full time to public vehicular traffic" is a factual determination dependent upon individual, relevant facts and circumstances in a particular situation. In my opinion, inasmuch as the roads and streets of Francis Marion University are not as you indicate "open full time to public vehicular traffic", they are not exempt from the ban against possessing a firearm of any kind on any premises or property owned, operated, or controlled by the University without the express permission of the authorities in charge of the premises or property.

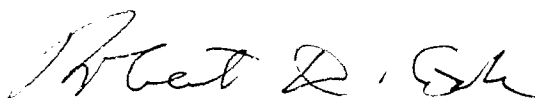
If there are any questions, please advise.

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General