

5088 Liberty



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

December 22, 2005

The Honorable Glenn G. Reese
Senator, District No. 11
507 Fagan Drive, Lake Bowen
Inman, South Carolina 29349-7000

Dear Senator Reese:

In a letter to this office you questioned where weapons may be fired in subdivisions. Based upon my review, there are numerous statutes that regulate firing weapons but none that particularly reference the firing of such in subdivisions. For instance, S.C. Code Ann. § 16-23-440 states that it is unlawful "...to discharge or cause to be discharged unlawfully firearms at or into a dwelling house, other building, structure, or enclosure regularly occupied by persons." S.C. Code Ann. § 16-23-410 makes it unlawful to "present or point at another person a loaded or unloaded firearm." Pursuant to S.C. Code Ann. § 16-17-530, public disorderly conduct, anyone who shall "...while under the influence or feigning to be under the influence of intoxicating liquor, without just cause or excuse, discharge any gun, pistol or other firearm while upon or within fifty yards of any public road or highway, except on his own premises" is guilty of a misdemeanor.

While I am unaware of any statutes specifically prohibiting the firing of any weapons in a subdivision, such a prohibition in my opinion could be addressed by subdivision restrictions or covenants. A local attorney could advise on the drafting of any such restrictions. Also, the county could consider adopting an ordinance dealing with the matter as well.

With kind regards, I am,

Sincerely,

Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Assistant Deputy Attorney General