



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

January 4, 2006

Lt. Gerald Carter
Orangeburg County Sheriff's Office
P. O. Box 9000
Orangeburg, South Carolina 29116

Dear Lt. Carter:

In a letter to this office you questioned whether any state laws would preclude an adult under the age of twenty-one from working as an evidence room custodian. You indicated that this person would be responsible for evidence inventory that would include handguns. That person would also transport evidence, including handguns. It is my understanding that the individual involved would not have any law enforcement authority.

Generally, pursuant to S.C. Code Ann. § 16-23-30(A) "(i)t is unlawful for a person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale into this State any handgun to...(3) a person under the age of twenty-one...." Such provision also states that such prohibition

...shall not apply to the issue of handguns to members of the Armed Forces of the United States, active or reserve, National Guard, State Militia, or R.O.T.C., when on duty or training or the temporary loan of handguns for instructions under the immediate supervision of a parent or adult instructor....

Pursuant to subsection (B) of Section 16-23-30, "(i)t is unlawful for a person enumerated in subsection (A) to possess or acquire handguns within this State." (emphasis added). Consistent with such, it would be unlawful for a person under twenty-one years of age to "possess or acquire" a handgun in South Carolina unless otherwise permitted by subsection (A)(3) of Section 16-23-30, such as individuals in the military.

Lt. Carter
Page 2
January 4, 2006

The terms "possess" or "acquire" are not defined by Section 16-123-30. Black's Law Dictionary (4th Ed.) defines the term "possess" in part as

...to have in one's actual and physical control; to have the exclusive detention and control of; to have and hold as property; to have a just right to; to be master of; to own or be entitled to.

The term "acquire" is defined by that same source as

to gain by any means...receive or gain in whatever manner; come to have.

Consistent with such definitions, it is my opinion that Section 16-23-30 could be construed so as to prohibit an individual under the age of twenty-one from working as an evidence room custodian where the inventory would include handguns or where the individual would have to transport handguns. Such activities by an evidence room custodian could be construed to be within the prohibition of an individual under twenty-one years of age of "possessing" or "acquiring" handguns.

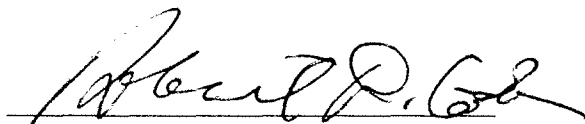
If there are any questions, please advise.

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General