

February 16, 2007

Lex D. Walters, Ph.D., President
Piedmont Technical College
P. O. Drawer 1467
Greenwood, South Carolina 29648

Dear Dr. Walters:

In a letter to this office you indicated that Piedmont Technical College is planning to introduce a credit certificate program in gunsmithing this fall. You indicated that the program will require students to work with guns of all varieties and with ammunition. You stated that “[w]hile weapons will not be discharged on college property, they will be in various stages of assembly and in close proximity to ammunition.” You have questioned the statutory considerations with respect to weapons and ammunition at the college in association with the implementation of such program.

You particularly referenced S.C. Code Ann. § 16-23-420 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.

Another provision which must be considered is S.C. Code Ann. § 16-23-20 which prohibits the unlawful carrying of handguns. Various exceptions are specifically set forth allowing the carrying of handguns, whether concealed or not, but none are particularly applicable to carrying handguns on school property.¹

Therefore, in considering your question, there is a provision, Section 16-23-420 making it unlawful to possess a firearm “on any premises or property owned, operated or controlled” by a technical college, such as yours, “without the express permission of the authorities in charge of the premises or property”. There is also Section 16-23-20 prohibiting the carrying of handguns which arguably could come into play in a situation such as that addressed by your where handguns may routinely be handled.

As stated in a prior opinion of this office dated February 1, 2006, “...where a specific statute and a general statute concerning the same subject matter are inconsistent with one another, the specific statute will usually control.” Similarly, as stated in an opinion of this office dated October 13, 2005,

...with respect to a conflict arising between a statute dealing generally with a subject, and another dealing specifically with a certain phase of it, the specific legislation controls in a proper case.

¹One exception which must be considered is the exception to the prohibition of carrying handguns for “a person regularly engaged in the business of manufacturing, repairing, repossessing, or dealing in firearms....” While there is an exception for a business “manufacturing” or “repairing” firearms, such exception would not appear to be pertinent to a school, such as yours, engaged in a program in gunsmithing inasmuch as a school would not be considered a business.

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In considering such, Section 16-23-420 would appear to be specific legislation particularly allowing the possession of firearms in a school setting with the express permission of the relevant authorities. Section 16-23-20 would appear to be legislation prohibiting the carrying of handguns generally. It is not absolutely clear which statutes would control in your situation. However, in keeping with the referenced rule that the specific controls over the general, in the opinion of this office, Section 16-23-420 would appear to allow Piedmont Technical College to offer a program on gunsmithing which would include the presence of guns on school property. This conclusion is limited to this specific set of circumstances and should not be considered as commenting on any other situations involving the presence of guns on school property.

If there are any questions, please advise.

Sincerely,

Henry McMaster
Attorney General

By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Assistant Deputy Attorney General