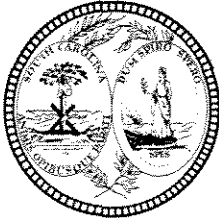


6010 Liberty



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

September 20, 1996

Joseph C. Good, Jr., General Counsel
Medical University of South Carolina
171 Ashley Avenue
Charleston, South Carolina 29425-1015

Re: Informal Opinion

Dear Joe:

You have asked how the new concealable weapons law affects the state's college campuses.

R-534 enacts the "Law Abiding Citizens Self-Defense Act of 1996." The new statute requires that if an individual meets certain criteria, a concealable weapons permit must be issued.

The statute goes to considerable lengths to preserve existing law. For example, the existing provisions concerning exemptions for the prohibitions against carrying concealable weapons contained in Section 16-23-20 (e.g. police officers) are preserved intact. In addition, the new statute, in Section 23-31-215(M) provides that "[n]othing contained herein may be construed to alter or affect the provisions of Section 10-11-320, 16-23-420, 16-23-430, 16-23-465, 44-23-1085, 44-52-165, 50-9-830, and 51-3-145."

Section 23-31-215(M) also provides that

[a] permit issued pursuant to this Section does not authorize a permit holder to carry a concealable weapon into a ... (10) hospital, medical clinic, doctors office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer.

Request letter

Mr. Good
Page 2
September 20, 1996

The new law also amends Section 16-23-420 which relates to carrying a firearm at a college or university. Whereas formerly this provision made it unlawful for a person to carry a firearm into a private or public school, college or university building or any public building or have in possession "in the area immediately adjacent to these buildings", now the statute has been broadened considerably to provide that it is unlawful

... for a person to carry onto any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or any publicly-owned building a firearm of any kind without the express permission of the authorities in charge of the premises or property.

In addition, the new law expressly states that

[n]othing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

- (1) the right of a public or private employer to prohibit a person who is licensed under this article from carrying a concealable weapon upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business

The posting by the employer, owner, or person in legal possession or control of a sign stating "No Concealable Weapons Allowed" shall constitute notice to a person holding a permit issued pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable weapons not be brought upon the premises or into the work place.

Based upon the foregoing, it would appear to me that the law specifically prohibits with certain designated exceptions the carrying of a firearm of any kind "onto the premises or property, owned, operated or controlled by a private or public school, college, university, technical college, other post-secondary institution or any kind without the express permission of the authorities in charge of the premises or property." Thus, only if those in charge of the property choose to so allow such weapons, would they be

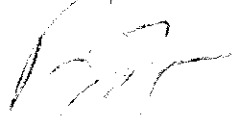
Mr. Good
Page 3
September 20, 1996

permitted. Moreover, the statute in addition prohibits firearms in hospitals or facilities where medical services are provided. To make this absolutely clear, the posting of the sign, "No Concealable Weapons Allowed" can be done to insure notice to all.

This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Very truly yours,



Robert D. Cook
Assistant Deputy Attorney General

RDC/ph