

# The State of South Carolina



## Office of the Attorney General

**T. TRAVIS MEDLOCK**  
ATTORNEY GENERAL

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August 8, 1991

Chief Robert M. Stewart  
SC State Law Enforcement Division  
4400 Broad River Road  
Post Office Box 21398  
Columbia, South Carolina 29221

Re: Your letter of April 23, 1991;  
OS File No. 4540

Dear Chief Stewart:

Attorney General Medlock has referred to me your letter of April 23, in which you raised two questions. I would like to deal with them in the order presented. Parenthetically, it should be noted that you have stated in your inquiry that certain procedures are valid under Federal Law. The information in this letter is presented with that assumption; for detailed information about the applicability of Federal Law, you should address your inquiries to the Office of the United States Attorney, or the Bureau of Alcohol, Tobacco and Firearms.

First, you asked whether or not, under State Law, a law enforcement agency could order handguns through a South Carolina retail pistol dealer, and have the weapons shipped directly to the agency from the manufacturer or distributor.

Section 23-31-140 addresses the requirements for the purchasing of a pistol in South Carolina. It was amended in 1988, by 1988 Act No. 492, to add, among other things, Subsection (E), which provides as follows:

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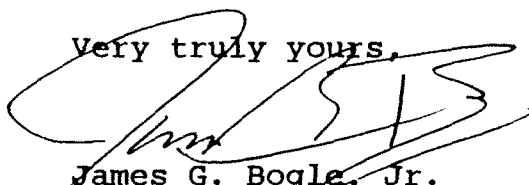
23-31-140(E), than is already permissible under federal law. Accordingly, it would be my advice to you that a law enforcement agency could order handguns through a South Carolina licensed retail pistol dealer, and have the weapons shipped directly to the agency from the manufacturer or distributor. However, in order to conform with the law, the agency would have to comply with the paperwork requirements set forth in 23-31-140(E).

The second question you asked was whether or not, under State Law, an individual police officer could order handguns in the same manner, which, according to your letter, is allowable under federal law.

I believe the same logic applies to an individual officer who is ordering a handgun, through a licensed South Carolina pistol dealer, to be directly shipped from the manufacturer or distributor to him, provided it is a weapon being ordered for use in his official duties. If, on the other hand, he would like to order a weapon for personal use, I believe the overall intent of Sections 16-23-20 (possessions/carrying of a pistol) and 23-31-140 would place that officer in the same status as a private citizen. In other words, he would go through the requirements of Section 23-31-140(A) - (D), and (F).

Copies of Sections 23-31-140 and 16-23-20, in their entirety, are enclosed with this letter for your convenience. If further information is needed, please advise.

Very truly yours,



James G. Bogle, Jr.  
Assistant Attorney General

JGBjr:ypj

Enclosures

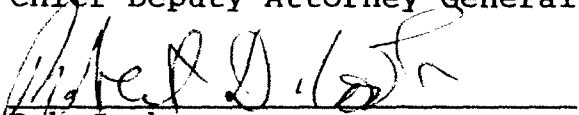
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APPROVED:



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