

The State of South Carolina



Office of the Attorney General

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November 15, 1989

Raymond Britt, Chief of Police
Marion Police Department
107 South Main Street
Marion, South Carolina 29571

Dear Chief Britt:

In a recent letter to this Office you questioned when individuals commissioned by a sheriff may carry a pistol. You referred to individuals accompanying a deputy and therefore I assume you are referring to individuals commissioned as reserve police officers pursuant to Section 23-28-10 et seq. of the Code.

As to reserve officers, Section 16-23-20 of the Code states:

(i)t shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol, except as follows: ...reserve police officers while serving and functioning as law enforcement officers as authorized by Sections 23-38-10 et seq. ...

Section 23-28-70 of the Code states:

(r)eserves shall serve and function as law enforcement officers only on specific orders and directions of the chief... Each reserve shall be in proximate contact, by radio or otherwise, with the full-time officer to whom he is assigned. Reserves shall in no case assume full-time duties of law enforcement officers without complying with all requirements for full-time officers.

The question of whether individuals are actually serving as reserve officers in a particular situation is a factual matter beyond the scope of an opinion of this Office. Therefore, the applicability of

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these provisions to a particular situation as to whether an individual is authorized to carry a pistol must be examined on a case-by-case basis. Moreover, other provisions of Section 16-23-20 set forth additional exceptions to the prohibition to carrying pistols which may be applicable in certain situations and therefore must also be examined as to whether they are relevant.

With best wishes, I am

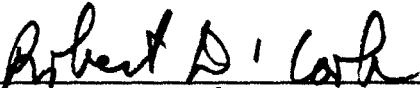
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/nnw

REVIEWED AND APPROVED BY:



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