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T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE 803-734-3970

September 14, 1988

Robert Stewart, Chief
State Law Enforcement Division
P. O. Box 21398
Columbia, South Carolina 29221

Dear Chief Stewart:

Tom Henderson questioned whether an exemption to the prohibition of carrying a pistol referenced in Section 16-23-20 of the Code is applicable to third parties. Particular reference was made to Section 16-23-20(8) which states:

(i)t shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol, except as follows:
(8) Any person in his home, or upon his real property, or fixed place of business
... .

In a prior opinion of this Office dated August 20, 1973, it was stated that

(t)he right of an "owner" and, possibly, a renter or lessee, of a home, real property or fixed place of business, to carry a pistol upon such premises, ... is a personal exemption, and such "owner" is not empowered to bestow the right upon anyone else.

Another opinion of this Office dated November 29, 1976 similarly stated that the referenced exemption is "entirely personal in nature" and only extends to an individual in his home, upon his real property, or at his fixed place of business. The opinion determined that an individual may not transfer such a personal exemption to an agent or employee.

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Therefore, consistent with the above, the exemption for carrying a pistol for an individual "in his home, upon his real property or fixed place of business" is inapplicable to third parties, except perhaps renters or lessees.

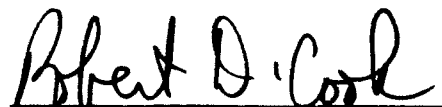
If there is anything further, please advise.

Sincerely,


Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions

cc: Tom Henderson
State Law Enforcement Division