

## The State of South Carolina



## Office of the Attorney General

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October 16, 1986

Chief J. P. Strom  
State Law Enforcement Division  
P. O. Box 21398  
Columbia, South Carolina 29221

Dear Chief Strom:

Attorney General Medlock has forwarded your letter of September 3, 1986 to me for inquiry and reply.

You enclosed a copy of the recent amendment to Article 3, Chapter 31 of Title 23, relating to regulation of pistols. The General Assembly has added Section 23-31-195, providing for a Pistol Collector's License to be issued by SLED, and to provide for the fee and qualifications for the license.

You raised three questions: First, whether the fees collected for this license would be retained by SLED or deposited into the General Fund and whether they were non-refundable; second, whether the statute would allow an individual in possession of a Pistol Collector's License to purchase more than one pistol within a thirty day period; and third, for guidance as to regulations to be enacted by SLED defining bona fide collectors of pistols.

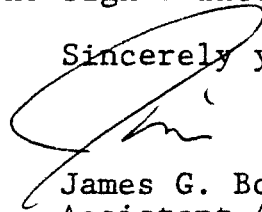
Regarding your first question, absent a specific provision in a statute directing that fees or receipts go to a particular agency or political subdivision of the State, all fees collected would go to the General Fund. The statute in question requires SLED to charge a fee of \$50.00, for a license that lasts two years. There is no provision directing the \$50.00 to specifically go to SLED or any other agency or political subdivision of the State; therefore, I would advise the money be deposited into the General Fund.

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Regarding your second question, present State law limits a person to the purchase of one pistol per 30 day period, with certain exceptions. See Section 23-31-140, SOUTH CAROLINA CODE OF LAWS. It would appear from a reading of new Section 23-31-195, that a licensed Pistol Collector would be exempt from this restriction, provided the purchase of additional pistols within the 30 day period were for his collection. Section 23-31-195 allows a licensed collector to "purchase pistols for his collection notwithstanding the provisions of Section 23-31-140." However, the type of pistols collected would relate to my answer and suggestions regarding your third question below.

Finally, you requested guidelines as to regulations regarding what would constitute a bona fide collector of pistols. I would recommend that SLED study regulations, such as the ones enclosed on separate sheets, and enact them through the normal course of law. Persons who satisfy the requirements of these regulations, after investigation, and who have not been convicted of a felony, as provided in the new statute, could then receive the Pistol Collector's License. I would suggest regulations promulgated by the Secretary of the Treasury in accordance with the recently enacted Firearms' Owners' Protection Act, Public Law 99-308, ratified by Congress and signed into law this year.

Sincerely yours,

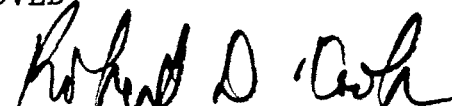


James G. Bogle, Jr.  
Assistant Attorney General

JGBJr/fc  
Enclosure

APPROVED:

BY:



Robert D. Cook  
Executive Assistant for  
Opinions