

1979 WL 43190 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 28, 1979

*1 Chief Oliver A. Nealy
Chief of Police
City of Pickens
Pickens, South Carolina 29671

Dear Chief Nealy:

In a letter to this Office you asked whether a person could be charged with violating [Section 16-23-20, Code of Laws of South Carolina](#), 1976, which defines the act of unlawfully carrying a pistol where the pistol was found in a closed console of an automobile. Such section provides in part that:

'(i)t shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol, except as follows:
(9) any person in any vehicle where the pistol is secured in a closed glove compartment or closed trunk.'

As you can see, an automobile console is not specifically referenced as a part of an automobile where a pistol may lawfully be transported.

Inasmuch as [Section 16-23-20, supra.](#), is a criminal statute it must be construed in a light most favorable to a defendant and least favorable to the State. Obviously an argument may be made that the phraseology 'glove compartment' should be read broadly to include an automobile console. However, it may be argued that inasmuch as a glove compartment and a console are readily distinguishable and the Legislature did not specifically include an automobile console as a place where a gun may legally be carried, an individual in an automobile with a pistol in a console may be charged with violating [Section 16-23-20, supra.](#) Of course, this presumes that the individual does not come within one of the other exceptions provided by such section. Also, admittedly a pistol in an automobile console, which you indicated in the situation prompting your request was between the two front seats of the car, is much more accessible to a driver than is a pistol in a closed glove compartment. Inasmuch as a closed glove compartment and a closed trunk are provided as places where a pistol may legally be carried, arguably trying to guard against immediate accessibility was a factor in making such a provision.

Therefore, with reference to the above, in the opinion of this Office an individual carrying a pistol in a closed console of an automobile would, presuming he is not within one of the other exceptions provided by [Section 16-23-20, supra.](#), be in violation of such criminal section. If there are any questions, do not hesitate to contact me.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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