

1978 WL 207617 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 30, 1978

\*1 James A. Tollison  
Patrolman  
Tri-County Technical College  
Campus Police Department  
P.O. Box 587  
Pendleton, S. C. 29670

Dear Mr. Tollison:

Mr. McLeod has referred to me your recent letter concerning [Section 16-23-20, S. C. Code](#) of Laws, 1976. Municipal, County and State law enforcement officers are permitted to carry pistols, under that Code section, if they are regular and salaried. As noted in a previous opinion of this Office, 1972 Opinion Attorney General No. 3261, p. 58, (interpreting the 1962 Code section which is similar to the present section regarding this matter), there is no requirement that the officer be on duty. Similarly, the statute does not require the officer to be in uniform. The reference in the statute to “when they are carrying out official duties while in this State,” regards only “law-enforcement officers of the Federal Government or other states.” See [Section 16-23-20](#). While a previous opinion of this office may seem to render a different interpretation of that reference (1971 Opinion Attorney General No. 3143, p. 115), the effect of that opinion and this opinion is identical.

The statute also allows “uncompensated Governor's constables” to carry pistols. Again, there is no requirement that such a constable have a particular type of authority, or that he be on duty.

The word “pistol” as referred to in this letter and in the statute, Section 16-23-10, “means any firearm designed to expel a projectile and designed to be fired from the hand ...”

Sincerely,

Scott Elliott  
Staff Attorney

Approved by:

(Illegible Signature)

1978 WL 207617 (S.C.A.G.)