

1978 WL 35023 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 8, 1978

***1 RE: Opinion Request**

Honorable William Holmes
P. O. Box 551
Allendale, S. C. 29810

Dear Mayor Holmes:

You have asked, whether an officer, while under suspension on a felony warrant, may carry a weapon. Before I can make a definitive statement, I will need a little further information.

The controlling statute here would appear to be [Section 16-23-20 of the South Carolina Code](#) of Laws (1976), which provides that any '(r)egular, salaried law enforcement officers of a municipality . . .' may carry a pistol. Of course, this has been construed to apply to off duty officers. However, before I respond further, I feel the need to familiarize myself with the definition of 'suspension' within your town ordinances and the officer's status while under suspension so that I might reconcile these with the meaning of the terms 'regular' and 'salaried' contained in the section quoted above.

I might point out that your city attorney may be familiar enough with the Code and City ordinances to give you a definitive answer. If not, forward the above-mentioned information to me so that I might give you a definitive response.

Sincerely,

Scott Elliott
Staff Attorney

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