

1978 S.C. Op. Atty. Gen. 197 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-169, 1978 WL 22637

Office of the Attorney General

State of South Carolina

Opinion No. 78-169

October 10, 1978

***1 SUBJECT: Magistrates, Constables**

Successful completion by a magistrate's constable of the two week course of instruction as provided by the Criminal Justice Academy authorizes such constable to carry a pistol as permitted by [Section 22-9-180 of the Code](#) of Laws.

TO: Neal Forney
Assistant Director
South Carolina Court Administration

QUESTION:

Does the two week school that was held for magistrates' constables at the Criminal Justice Academy provide the training required pursuant to [Section 22-9-190 of the Code](#) of Laws which is necessary before magistrates' constables can be authorized to carry pistols pursuant to [Section 22-9-180 of the Code](#) of Laws?

STATUTES:

[Sections 22-9-180, 22-9-190, 22-9-200 of the 1976 Code](#) of Laws.

DISCUSSION:

In your letter of September 18, 1978 to this Office you stated that [Section 22-9-180 of the Code](#) of Laws provides that a magistrate's constable who has received the required training by the South Carolina Law Enforcement Division as set forth in [Sections 22-9-190 and 22-9-200 of the Code](#) is authorized to carry a pistol on his person while on official duty as constable and while going to and from his residence. As to such training, you submitted the above question. You have indicated that the referenced two week school was planned by the Director of the Criminal Justice Academy in coordination with the South Carolina Law Enforcement Division and the Court Administration offices.

In response to an earlier request, a previous opinion of this Office indicated that:

It is my understanding that the Academy offers only one basic course of instruction (8 weeks), except for specialized post-graduate courses. It must be assumed that the General Assembly was possessed of such information. There being no language in the Act to indicate anything else, it is the opinion of this Office that if the Act is valid the training that must be undergone is the basic 8-week course of instruction.

However, with reference to the two week school as outlined in your letter, it is the opinion of this Office that such course of instruction may be interpreted to be in compliance with the instruction mandated by [Section 22-9-180](#). A review of [Section 22-9-200 of the Code](#) of Laws indicates that the Chief of the South Carolina Law Enforcement Division is authorized to promulgate such rules and regulations as are necessary to implement [Sections 22-9-180 and 22-9-190](#). Therefore, it would appear that pursuant to such grant of authority a course of instruction specifically structured

toward providing magistrates' constables weapons training may be established and it would not be necessary that these constables successfully complete the eight week training session required of other law enforcement personnel.

CONCLUSION:

Successful completion by a magistrate's constable of the two week course of instruction as provided by the Criminal Justice Academy authorizes such constable to carry a pistol as permitted by [Section 22-9-180 of the Code](#) of Laws.

***2** Charles H. Richardson
Assistant Attorney General

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