

1978 WL 35106 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 8, 1978

*1 Mr. Ernest L. Ellis
South Carolina Law Enforcement Division
Post Office Box 21398
Columbia, South Carolina 29211

Dear Agent Ellis:

I have Chief Strom's letter to Attorney General McLeod dated August 3 and directed to my attention.

In reference to the 'M19-A Annihilator BB Submachine Gun,' it is the opinion of this Office that the gun is unlawful for possession (S.C. Code of Laws, 1976, § 16-23-230), for transportation ([S.C. Code, 1976, § 16-23-220](#)), and for sale ([S.C. Code, 1976, § 16-23-240](#)) in this State subject, of course, to exceptions for certain authorized persons and organizations who properly register with SLED. (See §§ 16-23-250, 23-31-320, and 23-31-330.)

The definition of 'machine gun' found in [§ 16-23-210\(a\), S.C. Code](#), 1976, clearly embraces the BB submachine gun in question. That subsection defines 'machine gun' to 'include any weapon which shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.' The advertisement for the 'M19-A Annihilator,' attached to Chief Strom's letter, refers to the gun as a 'fully automatic weapon,' and specifies the gun's cyclic rate as 'Over 3,000 BB's per minute.'

Accordingly, the gun is unlawful and subject to the statutory proscriptions cited above.

If I may be of further assistance to you, please do not hesitate to contact me.

Sincerely yours,

Scott Elliott
Staff Attorney

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