

1973 WL 26782 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 20, 1973

***1 Re: Section 16-147, Code of Laws of South Carolina**

Mrs. Rel Kennington
Rt. 2
Box 69C
Lugoff, South Carolina

Dear Mrs. Kennington:

You have requested that this office advise you as to whether possession of Sheriff 50 is violative of the above-referenced Section of the Code of Laws of South Carolina.

Sheriff 50 is a hand-held device containing a mixture of oleoresin capsicum which is suspended in mineral oil and propelled by Freon 11 and 12, and is disbursed through a special nozzle. This device is described as a 'highly effective deterrent . . . which makes the attackers cough, gasp for breath and stagger blindly up to fifteen minutes.'

Section 16-147 prohibits the possession, sale etc. of any tear gas machine or gun or any ammunition or shells or equipment that may be used in a tear gas gun or machine. Tear gas as such is defined as a 'solid, liquid or gaseous substance that on dispersion in the atmosphere blinds the eyes with tears but does not damage them. . . .' It thus appears that Sheriff 50 does come within the definition of a tear gas machine, and the substance used in this device is in fact 'tear gas' within the general definition of such.

It is, therefore, the opinion of this office that the possession or sale of Sheriff 50 by others than police officers or for other than rodent control with written authority for the possession of such is contrary to Section 16-147, Code of Laws of South Carolina 1962.

I trust that this has been sufficient in answer to the question which you posed. For your further information I have enclosed a copy of Section 16-147, Code of Laws of South Carolina.

Very truly yours,

Timothy G. Quinn
Senior Assistant Attorney General

1973 WL 26782 (S.C.A.G.)

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.