

1973 S.C. Op. Atty. Gen. 183 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3546, 1973 WL 21004

Office of the Attorney General

State of South Carolina

Opinion No. 3546

June 20, 1973

***1 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.**

Kershaw County Sheriff

Camden, South Carolina

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.

Timothy G. Quinn

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