

1973 WL 26992 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 5, 1973

*1 Mr. P. C. Gulas
Commander
Detective Bureau
Las Vegas Metrolitan Police Department
400 East Stewart Avenue
Los Vegas, Nevada 89101

Dear Mr. Gulas:

Thank you for your inquiry of November 28, 1973, concerning the legality of citizens carrying Mace under the Laws of South Carolina. Please be advised that Section 16-147 Code of Laws of South Carolina (1952) as amended provides:

It shall be unlawful for anyone except duly authorized law-enforcement officers to have in possession, use, transport, sell or buy any tear-gas machine or gun or any part thereof or any ammunition or shells or equipment that may be used in a tear-gas gun or machine. Any violation of this section shall be a misdemeanor and punishable by imprisonment for not less than one year nor more than five years or by a fine of not more than five thousand dollars either or both, in the discretion of the court.

Nothing in this section shall be construed to prohibit the purchase, sale, transportation or use of tear gas for the destruction of insects or rodents, provided such tear gas is not in containers or shells suitable for use in any tear-gas gun, equipment or machine and provided the purchaser has written authority for the purchase and use of such tear gas from the county agent of the county in which he resides.

It has been the previous opinion of this office that containers of Mace or similar agents fall within the prohibitions in the above-quoted statute. I trust the foregoing will provide the information requested and if we can be of further assistance, do not hesitate to call upon us.

With best wishes,
Yours very truly,

John P. Wilson
Senior Assistant Attorney General

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