

1972 WL 25182 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 20, 1972

\*1 Mr. Clifford A. Moyer  
Executive Director  
S. C. Criminal Justice Academy  
5400 Broad River Road  
Columbia, South Carolina 29210

Dear Mr. Moyer:

During the class on the laws of arrest last Monday the subject arose as to the legality of a police officer carrying his pistol while not on duty. It was suggested that this practice was legal. The applicable statute, Sec. 16-129.1 of the S. C. Code (1971 Cumulative Supplement provides in part as follows:

It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol, except as follows: (1) Marshals, sheriffs, policemen or other law enforcement officers, or peace officers of the Federal Government or other states when they are carrying out official duties while in this state . . .

This section makes the practice of carrying pistols by off-duty police officers illegal. However, it is the opinion of the Attorney General's office that a policeman may carry his service revolver on his person while traveling between his home and his duty station. (Letter from J. C. Coleman, Assistant Attorney General to Moncks Corner Police Department, July 27, 1971.)

Sincerely,

Walter Bailey  
Law Clerk

1972 WL 25182 (S.C.A.G.)

---

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.