

1972 S.C. Op. Atty. Gen. 58 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3261, 1972 WL 20408

Office of the Attorney General

State of South Carolina

Opinion No. 3261

February 15, 1972

***1 In Re: City Policemen; Carrying Pistols Outside Jurisdiction**

Mr. John F. Collins
22 West Broad Street
Greenville, South Carolina

Dear Mr. Collins:

Mr. McLeod has referred to me your letter of February 14 inquiring whether or not a city policeman may lawfully carry his service pistol on his person while outside the territorial jurisdiction of the municipality in which he is employed.

Section 16–129.1, 1962 Code of Laws of South Carolina, reads 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,—.

Since the statute does not limit the exception quoted to the territorial jurisdiction of the officer involved, nor to the times in which he is actually on duty, no such limitation can be inferred. It follows that a city policeman may lawfully carry his pistol on his person anywhere in the State.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

P.S. The phrase ‘when they are carrying out official duties’ in lines 5–6 of section 16–129.1 applies to peace officers of the Federal Government or other states.

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