



HENRY McMASTER
ATTORNEY GENERAL

December 15, 2009

The Honorable Thad Viers
Member, House of Representatives
327 B Blatt Building
Columbia, South Carolina 29201

Dear Representative Viers:

In a letter to this office you indicated that the Georgetown County School Board enacted a policy that prohibits concealed weapon permit holders from entering or parking on school property with a weapon locked securely in the trunk or glove box of their vehicle. You have questioned the legality of such policy.

Act No. 32 of 2009, which was effective June 2, 2009, amended S.C. Code Ann. § 16-23-430 and states:

(A) [i]t shall be unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, firearms, or any other type of weapon, device, or object which may be used to inflict bodily injury or death.

(B) This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle....(emphasis added).

When interpreting the meaning of a statute, certain basic principles must be observed. The cardinal rule of statutory interpretation is to ascertain and give effect to legislative intent. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Typically, legislative intent is determined by applying the words used by the General Assembly in their usual and ordinary significance. Martin v. Nationwide Mutual Insurance Company, 256 S.C. 577, 183 S.E.2d 451 (1971). Resort to subtle or forced construction for the purpose of limiting or expanding the operation of a statute should not be

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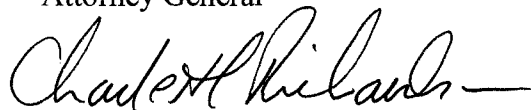
undertaken. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). Courts must apply the clear and unambiguous terms of a statute according to their literal meaning and statutes should be given a reasonable and practical construction which is consistent with the policy and purpose expressed therein. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991); Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E.2d 166 (1966). Moreover, as we have emphasized previously, “[t]his office strongly supports the Second Amendment and the citizen’s right to bear arms.” Op. S.C. Atty. Gen., April 17, 2001.

Amended Section 16-23-430 is unambiguous and clear in exempting from the prohibition of carrying a weapon on school property an individual statutorily authorized to carry a concealed weapon when that weapon is inside an attended or locked motor vehicle and secured as specified. Therefore, in response to your question, in the opinion of this office, consistent with the Second Amendment, and the provisions of the Concealable Weapons Act, the Georgetown County School Board policy that prohibits concealed weapon permit holders from entering or parking on school property with a weapon locked securely in the trunk or glove box of their attended or locked motor vehicle is inconsistent with and preempted by Section 16-23-430.

If there are any questions, please advise.

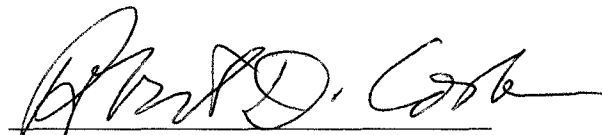
Very truly yours,

Henry McMaster
Attorney General



By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Deputy Attorney General