

The State of South Carolina



Office of the Attorney General

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December 21, 1994

Sherman M. Bingham, Director
Department of Public Safety
The Citadel
171 Moultrie Street
Charleston, South Carolina 29409

Dear Chief Bingham:

Attorney General Medlock has referred to me your letter of December 7, 1994 for reply.

You inquired about your officers carrying weapons off duty. You are Chief of Police at the Citadel, and have a number of officers empowered to enforce the laws on campus under S.C. Code Ann. §§59-116-10, et seq. Pursuant to that statute they all have state constable commissions from the State Law Enforcement Division.

S.C. Code Ann. §16-23-20(1) addresses the question of law enforcement officers carrying pistols. Generally, that section prohibits anyone from carrying a pistol, concealed or otherwise, subject to a number of exceptions, the first of which applies to law enforcement officers, state constables, and other types of official persons, but all limited to times when they are performing their official duties. Accordingly, the statute would appear to prohibit your officers from carrying weapons off duty.

Your second question was whether your campus police officers had state-wide arrest authority, not pertaining to Citadel business. I am assuming this question concerns situations which are not the result of a pursuit of a person who has committed a crime on Citadel property, into an area off the property. Enclosed please find a copy of an Opinion issued by this office on August

Sherman M. Bingham, Director

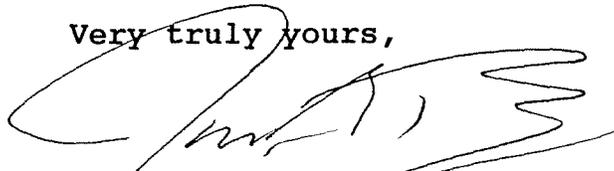
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29, 1986 regarding Columbia College, which addresses your question. Campus security officers who observe an offense occurring off college property may make an arrest within the same constraints placed upon private citizens. For example, S.C. Code Ann. §17-13-10 allows a private citizen to arrest a felon or thief upon view of a felony committed, certain information that a felony has been committed, or view of a larceny committed. Section 17-13-20 allows a citizen to arrest a person in the nighttime when a felony is involved, or the person has entered a dwelling house with evil intent, has broken or is breaking into an outhouse with a view to plunder, has in his possession stolen property, or is under circumstances which raised a logical suspicion of an intent to steal or commit some other felony.

I trust this covers your inquiries. Should you have questions or desire further information, please advise.

Very truly yours,



James G. Bogle, Jr.
Assistant Attorney General

JGBjr:ypj

Enclosures

APPROVED BY:



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