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ALAN WILSON  
ATTORNEY GENERAL

September 30, 2014

Robert C. Childs, III, Esq.  
City Attorney, Traveler's Rest City Council  
2100 Poinsett Highway, Suite D  
Greenville, South Carolina 29609

Dear Mr. Childs:

We are in receipt of your letter dated June 11, 2014 requesting an opinion as to whether the City of Traveler's Rest ("the City") possesses the authority to enact an ordinance restricting concealed weapons "from all or any part of Trailblazer Park," a city-owned, multi-use facility regularly hosting concerts and special events. Because our prior opinions explain state law, Section 23-31-510(1) in particular, preempts local governing bodies from passing legislation regarding the "transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combinations of the things" we believe the City lacks authority to regulate this subject matter.<sup>1</sup>

Law/Analysis

In your request letter, you acknowledge that a prior opinion of this Office addressed the issue of whether local governing bodies can prohibit carrying concealed weapons in a public park. See *Op. S.C. Att'y Gen.*, 2010 WL 5578965 (December 7, 2010) ("[A] local governing body, such as a county, may not enact any regulation dealing with the carrying of concealed weapons, such as in a county park."). However, your question appears to focus on whether City Council could, in spite of our prior opinion, restrict concealed weapons at Trailblazer Park pursuant to Sections 23-31-220 and 16-13-465(B)(2) on the basis that Trailblazer Park, when it is utilized as a venue for concerts and other events, serves as a place of employment for individuals working at such events.<sup>2</sup> Since neither Section 23-31-220 nor Section 16-13-465(B)(2) bestow authority upon localities to legislate within the subject matter of the "transfer, ownership,

<sup>1</sup> Section 23-31-510(1) of the Code states, "[n]o governing body of any county, municipality, or other political subdivision in the State may enact or promulgate any regulation or ordinance that regulates or attempts to regulate the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of the things." S.C. Code Ann. § 23-31-510(1) (2013 Supp.).

<sup>2</sup> See S.C. Code Ann. § 23-31-220 (stating concealed weapons permits do not limit or otherwise infringe upon "the right of a public or private employer to prohibit a person who is licensed under this article from carrying a concealable weapon upon the premises of the business or workplace"); S.C. Code Ann. § 16-13-465(B)(2) ("[A] property owner, holder of a lease interest, or operator of a business may prohibit carrying of a concealable weapon in the business by posting a 'NO CONCEALABLE WEAPONS ALLOWED' sign.").

possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combinations of the things” a subject matter from which the Legislature has preempted local governmental regulation pursuant to Section 23-31-510 of the Code, we are unpersuaded. See Op. S.C. Att’y Gen., 2010 WL 5578965 (December 7, 2010) (finding Section 23-31-510’s reservation of regulatory authority concerning the subject matter of possessing, carrying and transporting a firearm “predominates” other statutes concerning an employer’s ability to prohibit concealed weapons at a place of business meaning local government lacks authority to pass an ordinance regulating possession of a concealed weapon at a public park).

In a 1991 opinion, this Office explained that a local ordinance regulating the sale of firearms was clearly preempted from local control pursuant to Section 23-31-510(1) of the South Carolina Code and therefore the locality at issue lacked authority to pass legislation concerning the sale of firearms. Op. S.C. Att’y Gen., 1991 WL 633056 (October 3, 1991). This conclusion was reiterated in our December 7, 2010 opinion where we found Section 22-31-220’s “public or private employer” language could not be read as providing a local governing body with the authority to craft an ordinance prohibiting the possession of a concealed weapon in a local park in light of Section 23-31-510’s clear expression to the contrary. See Op. S.C. Att’y Gen., 2010 WL 5578965 (December 7, 2010) (“[A] local governing body, such as a county, may not enact any regulation dealing with the carrying of concealed weapons, such as in a county park.”). More recently, we restated this in a 2012 opinion concluding, “it is clear to us § 23-31-510 expressly indicates that the Legislature intended to preclude any local regulation regarding the carrying of concealable weapons.” Op. S.C. Att’y Gen., 2012 WL 1260182 (April 2, 2012). Thus, because our prior opinions have already addressed this issue and our research indicates there have been no amendments modifying Section 23-31-510’s wholesale reservation of regulatory authority to the Legislature concerning the subject matter of “transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combinations of the things,” we reaffirm our prior opinions on this issue. As a result, we believe Section 23-31-510(1) prohibits the City from enacting an ordinance regulating the carrying of concealed weapons at Trailblazer Park.

### Conclusion

As noted in our prior opinions, “[t]his Office strongly supports the Second Amendment to the United States Constitution and citizens’ right to bear arms.” Op. S.C. Att’y Gen., 2012 WL 1260182 (April 2, 2012). It is in keeping with this tradition that we conclude, consistent with our prior opinions, that statutes permitting employers to prohibit concealed weapons at their place of business cannot be read as authorizing local governments to regulate the carrying of concealed weapons in a public park. Indeed, our prior opinions clearly explain local regulation of the “transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms or any combinations of the things” is prohibited pursuant to the express terms of Section 22-31-510(1) of the South Carolina Code. As a result, we reaffirm our prior

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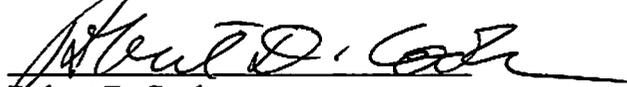
opinions and conclude that the City lacks authority to pass local legislation concerning this subject matter.

Sincerely,



Brendan McDonald  
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Solicitor General