

1977 S.C. Op. Atty. Gen. 179 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-242, 1977 WL 24584

Office of the Attorney General

State of South Carolina

Opinion No. 77-242

August 4, 1977

*1 Mr. John Bethea
Town Administrator
Town of Central
Box 248
Central, South Carolina 29630

Dear Mr. Bethea:

In response to your letter of July 22, 1977, requesting certain opinions from this Office, the following information is provided.

As to your question concerning whether municipal law enforcement officers can serve civil papers, based on an earlier opinion from this Office, specifically, 1964–1965 Ops. Atty. Gen., No. 1800, p. 44, service of civil papers in cases in Common Pleas Court may be made by any person not a party to the action. Section 15–9–40, Code of Laws of South Carolina, 1976. There is no exclusion as to municipal law enforcement officers. Moreover, this earlier opinion notes that this applies to simple service, however, and does not include executions on judgments, and matters of that nature which require action in addition to the service of the papers themselves.

As to your other question concerning whether it is legal for a member of a security guard force to carry a weapon on his person other than when enroute to or from the job or on the job site, your attention is directed to Section 40–17–120(c), Code of Laws of South Carolina, 1976. This Section provides that:

Any person engaged in the private security business, or registered in accordance with the provisions of § 40–17–80, and issued a permit in accordance with this Section shall be authorized to carry any such firearm in an open and fully-exposed manner only while on duty and in uniform and while going to and from work. Provided, however, that the division may in its discretion issue an additional written permit to any such person to carry such firearm about his person, whether concealed or not, even though such person is not in uniform nor on duty, when it is determined by the Division that such additional permit will better enable such permittee to perform his assigned duties. No such additional permit shall be issued to any permittee to be effective in any place where alcoholic beverages, beer or wine are sold or consumed.

Therefore, the division, the Chief of the South Carolina Law Enforcement Division, has the discretion to issue such permits as would allow firearms, whether concealed or not, to be carried by guards even though such guard is not on duty nor in uniform. Without such additional permit, these guards would be limited by permit to carrying firearms only while on duty and in uniform while going to and from work and only in an open manner.

If there are any further questions do not hesitate to contact me.

Sincerely,

Charles H. Richardson
Staff Attorney

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