



ALAN WILSON
ATTORNEY GENERAL

June 6, 2016

The Honorable James Eckstrom, Treasurer
County of Lexington
212 South Lake Drive, Suite 101
Lexington, SC 29072

Dear Mr. Eckstrom:

You seek an opinion regarding your right to carry a concealed weapon in the Lexington County Treasurer's Office. By way of background, you state:

I have received numerous calls and threats in the past several months from a taxpayer. As the duly elected Lexington County Treasurer and a Concealed Weapons Permit holder, I have been advised that I am authorized for concealed carry in the Treasurer's Office. Please let me know if your office would advise differently.

Also, as this matter is an active and ongoing personal safety concern, I would greatly appreciate your prompt response.

Law/Analysis

In our opinion, the advice which you have been given is correct.

The Law Abiding Citizens Self-Defense Act of 1996, codified at S.C. Code Ann. § 23-31-205 et seq., requires that if an individual meets certain criteria, a concealed weapons permit must be issued. As we have advised, "the permit extends to the citizen the right to carry the weapon on his or her person." Op. S.C. Att'y Gen., 1999 WL 387043 (April 19, 1999). We have also noted that

[t]he permit is "valid statewide unless revoked." Section 23-31-215(J). Thus, absent an applicable exception, a CWP permit holder can lawfully carry a firearm anywhere in South Carolina.

Op. S.C. Att'y Gen., 2015 WL 4596713 (July 20, 2015).

The exceptions where a CWP permit holder may not carry a concealed weapon are codified at § 23-31-215(M). These exceptions are as follows:

[a] permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a:

- (1) law enforcement correctional, or detention facility;
- (2) courthouse or courtroom;
- (3) polling place on election days;
- (4) office of or the business meeting of governing body of a county, public school district, municipality or special purpose district;
- (5) school or college athletic event not related to firearms;
- (6) daycare facility or preschool facility;
- (7) place where the carrying of firearms is prohibited by federal law;
- (8) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;
- (9) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer; or
- (10) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23-31-220 and 23-31-235. Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary. A person who violates a provision of this item, whether the violation is willful or not, only may be charged with a violation of Section 16-11-620 and must not be charged with or penalized for a violation of this subsection.

It appears that none of the foregoing exceptions are applicable. The Lexington County Treasurer's Office is not located in the County Courthouse. The only other applicable exception would be subsection (4), but such provision relates to the business office of or meeting place of the governing body of the county, public school district, municipality or special purpose district. We assume none of these offices or meeting places are involved with your situation.

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Conclusion

It is our opinion that your CWP permit gives you the right to carry a concealed weapon at the Lexington Treasurer's Office. This Office strongly supports the Second Amendment and the right to carry. In addition, we would note that threatening a public official, such as yourself, is a criminal offense pursuant to § 16-3-1040. If you have not already done so, you undoubtedly should report threats against your life to law enforcement authorities.

Sincerely,



Robert D. Cook
Solicitor General