

1978 WL 35053 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 23, 1978

\*1 Edwin J. Hamilton  
Chief of Police  
Town of Inman  
3 Bishop Street  
Inman, S. C. 29349

Dear Chief Hamilton:

In your letter of August 16, 1978 to this Office you questioned whether reserve officers are permitted to carry pistols while off-duty. As you are aware, the Legislature during this session passed Act No. 481 providing for the appointment of reserve police officers which repealed Act 687 of 1976 which related to the appointment of auxiliary police officers. By Section 1 of Act No. 481, reserve police officers are defined as 'persons given part-time police powers without being regularly assigned to full-time law enforcement duties.' As to their duties, Section 7 of Act No. 481 states in part that 'reserves shall serve and function as law enforcement officers only on specific orders and directions of the chief . . . Reserves shall in no case assume full-time duties of law enforcement officers without complying with all requirements of full-time officers.'

Therefore, it can be seen that reserve officers do not have those same powers and duties of full-time law enforcement officers but instead serve in a more limited part-time capacity. As to your question concerning whether reserve officers are permitted to carry pistols while off-duty, the only reference in Act No. 481 to reserve officers carrying pistols is the statement in Section 10 that 'handguns, if issued, shall be of a caliber approved by the chief.' However, [Section 16-23-20 of the 1976 Code of Laws of South Carolina](#) states in part that:

It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol, except as follows:

(1) Regular, salaried law enforcement officers of a municipality, county, or the State, . . .' (Emphasis added).

In light of the above section, it is the opinion of this Office that inasmuch as reserve officers are not 'regular, salaried, law enforcement officers' they would not be permitted to carry weapons while off-duty unless of course they would meet one of the other exceptions provided in [Section 16-23-20](#), a copy of which is enclosed.

With best wishes, I am  
Very truly yours,

Charles H. Richardson  
Assistant Attorney General

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