

1978 WL 35118 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 19, 1978

***1 RE: County Police Officers Using County Issued Weapons While On Private Security Guard Assignments**

J. P. Strom

Chief

South Carolina Law Enforcement Division

P. O. Box 21398

Columbia, S. C. 29221

Dear Chief Strom:

You have asked whether off-duty officers using county issued weapons on private security guard assignments must comply with the pistol permit regulations pursuant to state law. It is the opinion of this Office that such police officers need not so comply.

Certain law enforcement officers may carry their weapons at all times. Among these are regular, salaried, county law enforcement officers. [Section 16-23-20\(1\), South Carolina Code of Laws \(1976\)](#). Further, these law enforcement officers likewise are not subject to the registration provisions of Section 23-31-120 and R 73-60 South Carolina Law Enforcement Division Rules and Regulations (1976). This last conclusion is reached by recognizing [Section 16-23-20](#) treats law enforcement officers and pistol permit holders separately and distinctly in defining the exceptions to the prohibition against carrying pistols. Last, uniformed law enforcement officers may use their weapons issued to them by their employing law enforcement agency while performing private security assignments. 1978 (60) 1552. It follows, then, that regular, salaried, county law enforcement officers may carry their pistols at all times without being subject to the pistol permit regulations.

Therefore, this Office is of the opinion that off-duty, county, officers performing the duties of private security guards may use the weapons issued them by their employing law enforcement agency without complying with the registration provisions of Section 23-31-120 and the relevant regulations.

Sincerely,

Scott Elliott

Staff Attorney

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