

1976 S.C. Op. Atty. Gen. 399 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4535, 1976 WL 23152

Office of the Attorney General

State of South Carolina

Opinion No. 4535

November 29, 1976

\*1 The South Carolina Pistol Act does not authorize a person to carry a pistol about his person at his place of employment.

TO: Solicitor  
Sixteenth Judicial Circuit

QUESTION PRESENTED:

Does Section 16–129.1(8) of the 1962 Code of Laws of South Carolina, as amended, authorize an individual to carry a pistol about his person at his place of employment?

STATUTE INVOLVED:

Section 16–129.1 of the 1962 Code of Laws of South Carolina, as amended (hereafter referred to as the South Carolina Pistol Act), which states in pertinent part:

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

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(8) Any person in his home or upon his real property, or fixed place of business.

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DISCUSSION OF ISSUE:

You have asked whether the South Carolina Pistol Act (Section 16–129, *et seq.*, of the 1962 Code of Laws of South Carolina, as amended) authorizes an individual to carry a pistol about his person at his fixed place of employment. It is our opinion that it does not.

As previously noted, the South Carolina Pistol Act creates a general prohibition against the carrying of pistols in this State, with certain specifically defined exceptions. Although the legislature has not stated its express intent in providing the aforementioned exceptions to its general prohibition, it is nevertheless apparent that the legislative intent in enacting Section 16–129.1(8) is to permit a person to protect himself and his family against intrusion and to secure the safety of his home, property, and fixed place of business. To expand the meaning of ‘fixed place of business’ so as to render it synonymous with the phrase ‘fixed place of employment’ would obviously defeat the purpose of the exception as well as the scheme of the South Carolina Pistol Act.

Furthermore, the exception found in Section 16–129.1(8) is entirely personal in nature and extends only to a person in his home, upon his real property, or at his fixed place of business. Regarding the business context to which you refer, the owner of a business alone may invoke the shelter of Section 16–129.1(8), but he may not transfer his personal exemption to an agent or employee. See 1972–73 Ops. Atty. Gen. No. 3602, p. 272.

CONCLUSION:

Therefore, it is the opinion of this Office that the South Carolina Pistol Act does not authorize a person to carry a pistol about his person at his place of employment.

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