

1975 WL 29534 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 26, 1975

**\*1 Re: Carrying and Use of Firearms and Ammunition by National Guardsmen**

Major General R. L. McCrady  
The Adjutant General  
National Guard Armory  
1225 Bluff Road  
Columbia, SC 29201

Dear General McCrady:

I have reviewed the pertinent gun laws in South Carolina and find that the National Guard is excepted from the provisions of these laws. The exceptions are as follows:

Pistols—Section 16-129.1(2)

Machine Guns—Section 16-125

Missiles—Section 16-133

In addition, National Guardsmen are excepted from the prohibition against carrying or displaying firearms in public buildings or areas adjacent thereto. (See Section 16-141.1) The possession or use of tear-gas guns or ammunition is prohibited except to duly authorized law enforcement officials. (See Section 16-147) It would appear National Guardsmen, therefore, would be excepted from this provision when in the role of law enforcement officers or in law enforcement training.

You also requested any information this office might have pertaining to gun laws of other states that may apply to South Carolina Guardsmen. As you may be aware, the National Guardsmen would be subject to Federal laws and Department of Army regulations regarding carrying and use of firearms while on active duty on a military reservation. Therefore, the Department of Army's letter order, dated 19 December, 1974, would govern here. As to other state laws, this office has not compiled any information on which states exempt National Guardsmen from their gun laws. The Department of Treasury, Bureau of Alcohol, Tobacco, and Firearms in its publication 603 does give a complete compilation of all gun control laws. A copy of this publication is available in this office if you should have a question about a particular state.

If I can be of further assistance to you in this matter, please do not hesitate to contact me. With best regards, I remain  
Very truly yours,

Richard B. Kale, Jr.  
Assistant Attorney General

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