ALAN WILSON
ATTORNEY GENERAL

July 9, 2024

The Honorable Shane Martin
Member
South Carolina Senate
P.O. Box 575
Pauline, SC 29374

Dear Senator Martin:

We received your letter requesting an Attorney General's opinion regarding whether section 16-23-420 of the South Carolina Code (2015 & Act No. 111, 2024 S.C. Acts __), prohibits a person from carrying a firearm in a publicly owned parking lot or publicly owned parking garage. You specifically ask whether the phrase "any premises or property owned, operated, or controlled by," as used in section 16-23-420(A), applies to publicly owned buildings? Further, if this phrase does

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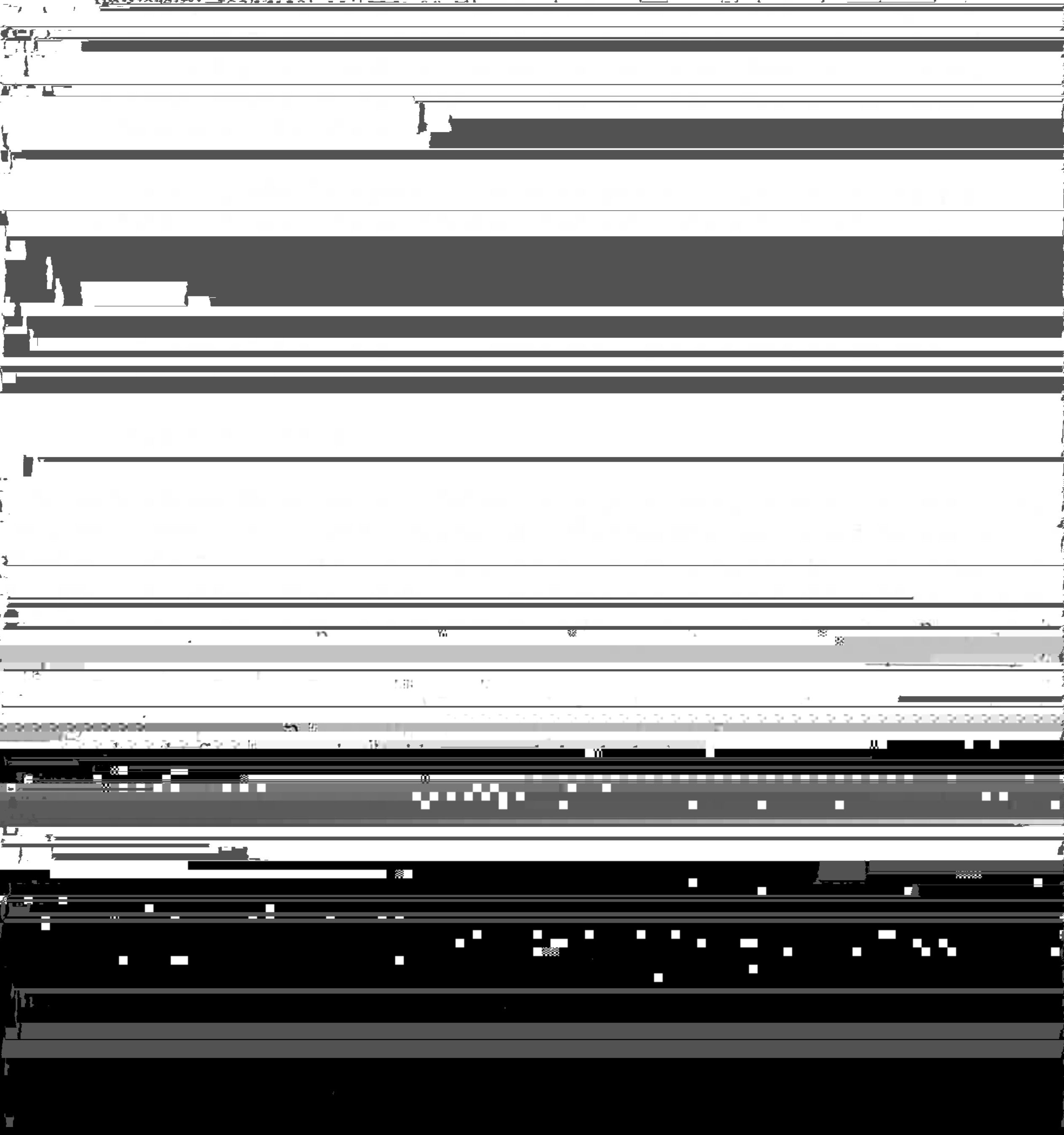
(A) It is unlawful for a person to possess a firearm[1] of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property. The provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school, college,



property" of a school or college; and second, "in any publicly owned building" generally. S.C. Code Ann. § 16-23-420(A) (2015) (emphasis added).

In effect, the General Assembly expanded the prohibition with respect to a school

[illegible]

areas. The preposition of direction "on" naturally refers to a person's presence

It is the policy of this Office that when a prior opinion governs, we will not issue a new opinion and will presume that the prior opinion is correct. We will not reverse a prior opinion unless such

interpretation, consonant with the purpose, design, and policy of lawmakers." Original Blue Ribbon Taxi Corp., 380 S.C. at 609, 670 S.E.2d at 678 (quoting TNS Mills, Inc. v. S.C. Dep't of Revenue, 331 S.C. 611, 624, 503 S.E.2d 471, 478 (1998)). "[C]ourts will reject an interpretation

Chapter 23 of Title 16 does not define the term building; therefore, we must interpret it in accordance with its usual and customary meaning. Black's Law Dictionary defines a building as "[a] structure with walls and a roof, esp. a permanent structure." BUILDING, Black's Law Dictionary (11th ed. 2019). We believe it is plain a parking lot would not be considered a building

parking garages. *See* Beaufort Cnty., 395 S.C. at 371, 718 S.E.2d at 435 ("[I]t is well settled that statutes dealing with the same subject matter are *in pari materia* and must be construed together, if possible, to produce a single, harmonious result."). Based on the foregoing, we believe a court