

South Carolina General Assembly
122nd Session, 2017-2018

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H. 3930

STATUS INFORMATION

General Bill

Sponsors: Reps. Pitts, Delleney, Clemmons, McCravy, Bennett, Forrest, Crawford, Lowe, Jordan, Duckworth, White, Henderson, Loftis, Burns, Chumley, Long, G.R. Smith, Bedingfield, Stringer, Bannister, Fry, Elliott, Hixon, Thayer, Collins, Yow, West, S. Rivers, V.S. Moss, Pope, Simrill, Martin, Sandifer, Gagnon, Taylor, Whitmire, Hamilton, Forrester, Huggins, D.C. Moss, Hiott, G.M. Smith, Spires, Putnam, Toole, Bradley, W. Newton, Erickson, Arrington, Lucas, Atwater, Magnuson and Murphy

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Companion/Similar bill(s): 449, 3700

Introduced in the House on March 7, 2017

Introduced in the Senate on April 11, 2017

Last Amended on April 5, 2017

Currently residing in the Senate Committee on **Judiciary**

Summary: Handguns

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
3/7/2017	House	Introduced and read first time (House Journal-page 79)
3/7/2017	House	Referred to Committee on Judiciary (House Journal-page 79)
3/8/2017	House	Member(s) request name added as sponsor: Bennett, Forrest
3/9/2017	House	Member(s) request name added as sponsor: Crawford, Lowe, Jordan, Duckworth
3/13/2017	House	Member(s) request name added as sponsor: White, Henderson, Loftis, Burns, Chumley, Long, G.R.Smith, Bedingfield, Stringer, Bannister, Fry, Elliott, Hixon, Thayer, Collins, Yow, West, S.Rivers
3/14/2017	House	Member(s) request name added as sponsor: V.S.Moss, Pope, Simrill, Martin, Atwater
3/22/2017	House	Committee report: Favorable with amendment Judiciary (House Journal-page 45)
3/23/2017	House	Member(s) request name added as sponsor: Sandifer, Gagnon, Taylor, Whitmire, Hamilton, Forrester, Huggins, D.C.Moss, Hiott, G.M.Smith, Spires, Putnam, Toole, Bradley, W.Newton, Erickson, Arrington, Lucas
3/23/2017	House	Requests for debate-Rep(s). Pitts, Delleney, Clemmons, McCravy, Bennett, Forrest, Crawford, Lowe, Jordan, Duckworth, White, Henderson, Loftis, Burns, Chumley, Long, GR Smith, Bedingfield, Stringer, Bannister, Fry, Elliott, Hixon, Thayer, Collins, Yow, West, S Rivers, VS Moss, Pope, Simrill, Martin, Sandifer, Gagnon, Taylor, Whitmire, Hamilton, Forrester, Huggins, DC Moss, Hiott, GM Smith, Spires, Putnam, Toole, Bradley, W Newton, Erickson, Arrington, Lucas (House Journal-page 40)

3/29/2017	House	Debate interrupted (House Journal-page 112)
3/30/2017	House	Debate adjourned until Tues., 4-4-17 (House Journal-page 59)
4/4/2017	House	Debate adjourned until Wed., 4-5-17 (House Journal-page 38)
4/5/2017	House	Member(s) request name added as sponsor: Magnuson, Murphy
4/5/2017	House	Amended (House Journal-page 81)
4/5/2017	House	Read second time (House Journal-page 81)
4/5/2017	House	Roll call Yeas-64 Nays-46 (House Journal-page 113)
4/6/2017	House	Read third time and sent to Senate (House Journal-page 25)
4/11/2017	Senate	Introduced and read first time (Senate Journal-page 6)
4/11/2017	Senate	Referred to Committee on Judiciary (Senate Journal-page 6)

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VERSIONS OF THIS BILL

[3/7/2017](#)

[3/22/2017](#)

[4/5/2017](#)

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

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AMENDED

April 5, 2017

H. 3930

Introduced by Reps. Pitts, Delleney, Clemmons, McCravy, Bennett, Forrest, Crawford, Lowe, Jordan, Duckworth, White, Henderson, Loftis, Burns, Chumley, Long, G.R. Smith, Bedingfield, Stringer, Bannister, Fry, Elliott, Hixon, Thayer, Collins, Yow, West, S. Rivers, V.S. Moss, Pope, Simrill, Martin, Sandifer, Gagnon, Taylor, Whitnire, Hamilton, Forrester, Huggins, D.C. Moss, Hiott, G.M. Smith, Spires, Putnam, Toole, Bradley, W. Newton, Erickson, Arrington, Lucas, Atwater, Magnuson and Murphy

S. Printed 4/5/17--H.

Read the first time March 7, 2017.

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION [16-23-510](#) SO AS TO PROHIBIT A PERSON FROM CARRYING A HANDGUN INTO CERTAIN PLACES WITHOUT PERMISSION OF THE OWNER OR A PERSON IN CONTROL OF THE PREMISES; TO AMEND SECTION [16-23-20](#), RELATING TO THE UNLAWFUL CARRYING OF A HANDGUN, SO AS TO REVISE THE PROVISIONS THAT PROVIDE WHEN A PERSON MAY LAWFULLY CARRY A HANDGUN; TO AMEND SECTION [16-23-420](#), RELATING TO THE POSSESSION OF A FIREARM ON SCHOOL PROPERTY, SO AS TO REVISE THE PROVISIONS REGARDING THE LAWFUL POSSESSION OF A FIREARM ON SCHOOL PROPERTY; TO AMEND SECTION [16-23-430](#), RELATING TO THE CARRYING OF A WEAPON ON SCHOOL PROPERTY, SO AS TO REVISE THE

CIRCUMSTANCES WHEN IT IS LAWFUL TO CARRY A WEAPON ON SCHOOL PROPERTY; TO AMEND SECTION [16-23-460](#), RELATING TO CARRYING A DEADLY CONCEALED WEAPON, SO AS TO REQUIRE AN ELEMENT OF INTENT; TO AMEND SECTION [16-23-465](#), RELATING TO PENALTIES FOR UNLAWFULLY CARRYING A WEAPON ONTO PREMISES THAT SELL ALCOHOLIC BEVERAGES, SO AS TO REVISE THE ELEMENTS OF THE OFFENSE; TO AMEND SECTION [23-31-215](#), AS AMENDED, RELATING TO THE ISSUANCE OF CONCEALABLE WEAPON PERMITS, SO AS TO REVISE THE PROVISIONS RELATING TO THE ISSUANCE OF PERMITS; TO AMEND SECTION [23-31-220](#), RELATING TO THE RIGHTS OF A PROPERTY OWNER TO ALLOW OR PERMIT A PERSON CARRYING A CONCEALED WEAPON ON HIS PROPERTY, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION [23-31-225](#), RELATING TO A PERSON CARRYING A CONCEALABLE WEAPON INTO THE RESIDENCE OR DWELLING PLACE OF ANOTHER PERSON, SO AS TO PROVIDE ADDITIONAL CIRCUMSTANCES WHEN CERTAIN PERSONS WHO CARRY A CONCEALABLE WEAPON MUST LEAVE OR REMOVE THE WEAPON FROM THE PREMISES AND TO MAKE A CONFORMING CHANGE; AND TO PROVIDE THAT THIS ACT APPLIES ONLY TO INDIVIDUALS WHO LEGALLY MAY PURCHASE A FIREARM FROM A PROPERLY LICENSED AND CERTIFIED FIREARMS DEALER.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

"Section [16-23-510](#). (A) Except as provided in subsection (D), a person, whether the person has a concealed weapons permit or not, may not carry a handgun, whether concealed or not, into any of the following places without the permission of the owner or a person in control of the premises:

- (1) a police, sheriff, or highway patrol station or any other law enforcement office or facility;
- (2) a detention facility, prison, or jail or any other correctional facility or office;
- (3) a courthouse or courtroom;
- (4) a polling place on election day;
- (5) an office or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;
- (6) a school or college athletic event not related to firearms;
- (7) a place where the carrying of firearms is prohibited by federal law;
- (8) a daycare facility or a preschool facility;
- (9) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;
- (10) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed; or
- (11) a place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections [23-31-220](#) and [23-31-235](#), except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary.

(B) A person who wilfully violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court, and shall have any permit issued to him pursuant to Article 4, Chapter 31, Title 23 revoked for five years.

(C) When carrying a handgun, whether concealed or not, a person must inform a law enforcement officer of the fact he is carrying a handgun when an officer:

- (1) initiates an investigatory stop of the person including, but not limited to, a traffic stop;
- (2) identifies himself as a law enforcement officer; and
- (3) requests identification or a driver's license from the person.

(D) The provisions of subsection (A) do not apply to peace officers in the actual discharge of their duties."

SECTION 2. Section [16-23-20](#) of the 1976 Code is amended to read:

"Section [16-23-20](#). (A) It is unlawful for anyone to carry about the person any handgun, whether concealed or not, ~~except as follows, unless otherwise specifically prohibited by law: with the intent to use the handgun unlawfully against another person. The intent to use a handgun unlawfully against another person must not be inferred from the mere possession, carrying, use, or concealment of the handgun, whether it is loaded or unloaded.~~

(B) A person may not carry a handgun off of any real property the person occupies as a resident, owner, or lessee with the following exceptions:

- (1) regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor's constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers employed as private detectives or private investigators;
- (2) members of the Armed Forces of the United States, the National Guard, organized reserves, or the State Militia when on duty;
- (3) members, or their invited guests, of organizations authorized by law to purchase or receive firearms from the United States or this State or regularly enrolled members, or their invited guests, of clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members, or their invited guests, are at or going to or from their places of target practice or their shows and exhibits;
- (4) licensed hunters or fishermen who are engaged in hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot;
- (5) a person regularly engaged in the business of manufacturing, repairing, repossessing, or dealing in firearms, or the agent or representative of this person, while possessing, using, or carrying a handgun in the usual or ordinary course of the business;
- (6) guards authorized by law to possess handguns and engaged in protection of property of the United States or any agency of the United States;
- (7) members of authorized military or civil organizations while parading or when going to and from the places of meeting of their respective organizations;
- (8) a person ~~in his home or upon his real property~~ or a person who has the permission of the owner or the person in legal possession or the person in legal control of ~~the~~ a home or real property;
- (9) a person in a vehicle if the handgun is:

(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance. ~~If the person has been issued a concealed weapon permit pursuant to Article 4, Chapter 31, Title 23, then~~ The person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment; or

(b) concealed on or about his person ~~and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;~~

(10) a person carrying a handgun unloaded and in a secure wrapper ~~from the place of purchase to his home or fixed place of business or while in the process of changing or moving one's residence or changing or moving one's fixed place of business;~~

(11) a prison guard while engaged in his official duties;

(12) a person ~~who is granted a permit under provision of law by the State Law Enforcement Division to carry a handgun about his person, under conditions set forth in the permit, and~~ while transferring the handgun between a place of concealment on or about the permittee's person and a location specified in item (9);

(13) ~~the owner or the person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business, and the employee of a fixed place of business, other than a business subject to Section 16-23-465, while at the place of business; however, the employee may exercise this privilege only after: (a) acquiring a permit pursuant to item (12), and (b) obtaining a person who has obtained~~ the permission of the owner or person in legal control or legal possession of the premises;

(14) a person engaged in firearms-related activities while on the premises of a fixed place of business which conducts, ~~as a regular course of its business,~~ activities related to sale, repair, pawn, firearms training, or use of firearms, ~~unless the premises is posted with a sign limiting possession of firearms to holders of permits issued pursuant to item (12);~~

(15) a person while transferring a handgun directly from or to a vehicle and a location specified in this section where one may legally possess the handgun;

(16) any person on a motorcycle when the pistol is secured in a closed saddlebag or other similar closed accessory container attached, whether permanently or temporarily, to the motorcycle;

(17) a person who possesses or exposes the handgun while in justified defense of self, property, or another;

(18) a person who is carrying in accordance with item (9)(b) of this section and who inadvertently exposes to another person a handgun in a holster or other retention device that the person intended to keep concealed on or about his person; or

(19) the person is not otherwise prohibited by law from possessing a handgun."

SECTION 3. Section [16-23-420](#) of the 1976 Code is amended to read:

"Section [16-23-420](#). (A) It is unlawful for a person to knowingly possess a firearm 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, university, technical college, or other post-secondary institution, do not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the ~~weapon~~ firearm remains concealed from common observation inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in

a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle either possessed by a person with a valid permit issued pursuant to Article 4, Chapter 31, Title 23, or is not loaded and in a locked container or a locked firearms rack that is in or on the motor vehicle. The provisions of this section related to publicly owned buildings do not apply to any portion of the property leased to an individual or a business or to the occupants or invitees of such leased premises during reasonable ingress to or egress from the leased premises.

(B) It is unlawful for a person to ~~enter the~~ threaten other persons with a firearm on the premises or property described in subsection (A) and to display, brandish, or threaten others with a firearm.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(D) This section does not apply to a guard, law enforcement officer, or member of the armed forces, or student of military science. A married student residing in an apartment provided by the private or public school whose presence with a weapon in or around a particular building is authorized by persons legally responsible for the security of the buildings is also exempted from the provisions of this section.

(E) For purposes of this section, the terms 'premises' and 'property' do not include state or locally owned or maintained roads, streets, or rights-of-way of them, running through or adjacent to premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, which are open full time to public vehicular traffic.

(F) This section does not apply to ~~a person who is authorized to carry concealed weapons pursuant to Article 4, Chapter 31 of Title 23 when upon~~ any premises, property, or building that is part of an interstate highway rest area facility."

SECTION 4. Section [16-23-430](#) of the 1976 Code is amended to read:

"Section [16-23-430](#). (A) It ~~shall be~~ is unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, firearms, or any other type of weapon, device, or object which may be used to inflict bodily injury or death.

(B) This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the ~~weapon~~ firearm remains concealed from common observation inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle or is either possessed by a person with a valid permit issued pursuant to Article 4, Chapter 31, Title 23, or is not loaded and in a locked container or a locked firearm rack that is in or on the motor vehicle.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both. Any weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest."

SECTION 5. Section [16-23-460](#) of the 1976 Code is amended to read:

"Section [16-23-460](#). (A) A person carrying a deadly weapon usually used for the infliction of personal injury concealed about his person with the intent to use the weapon unlawfully against another person is guilty of a misdemeanor, must forfeit to the county, or, if convicted in a municipal court, to the municipality, the concealed weapon, and must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days. The intent to use a weapon unlawfully against another person shall not be inferred by the mere possession, carrying, use, or concealment of the weapon, including the possession, carrying, use, or concealment of a loaded or unloaded firearm. In the case of handguns, violations shall be determined by the provisions contained in Section [16-23-20\(A\)](#).

(B) ~~The provisions of this section do not apply to:~~

~~(1) A person carrying a concealed weapon upon his own premises or pursuant to and in compliance with Article 4, Chapter 31 of Title 23; or~~

~~(2) peace officers in the actual discharge of their duties.~~

~~(C) The provisions of this section also do not apply to rifles, shotguns, dirks, slingshots, metal knuckles, knives, or razors unless they are used with the intent to commit a crime or in furtherance of a crime."~~

SECTION 6. Section [16-23-465](#)(A) of the 1976 Code is amended to read:

"(A) In addition to the penalties provided for by Sections [16-11-330](#), [16-11-620](#), [16-23-460](#), [23-31-220](#), and Article 1, Chapter 23, Title 16, a person convicted of carrying a pistol or firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises is guilty of a misdemeanor; and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than two years, or both, when the person:

(1) carries a firearm into any business which sells alcoholic liquor, beer, or wine for consumption on the premises and which at the time of the offense was clearly and conspicuously posted in accordance with Section [23-31-220](#);

(2) carries a firearm in any business which sells alcoholic liquor, beer, or wine for consumption on the premises and refuses to leave or to remove the firearm from the premises when asked to do so by a person legally in control of the premises; or

(3) consumes alcohol while carrying a firearm in any business which sells alcoholic liquor, beer, or wine for consumption on the premises.

In addition to the penalties described above, a person who violates this section while carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, must have his concealed weapon permit revoked for a period of five years."

SECTION 7. Section [23-31-215](#)(A) and (K)-(Q) of the 1976 Code, as last amended by Act 123 of 2014 and Act 223 of 2016 is further amended to read:

"(A) Notwithstanding any other provision of law, except ~~subject to~~ subsection (B), SLED must issue a permit, which is no larger than three and one-half inches by three inches in size, to carry a concealable weapon to a resident or qualified nonresident who is at least twenty-one years of age and who is not prohibited by state law from possessing the weapon upon submission of:

(1) a completed application signed by the person;

(2) a photocopy of a driver's license or photographic identification card;

(3) proof of residence or if the person is a qualified nonresident, proof of ownership of real property in this State;

(4) proof of actual or corrected vision rated at 20/40 within six months of the date of application or, in the case of a person licensed to operate a motor vehicle in this State, presentation of a valid driver's license;

(5) proof of training;

(6) payment of a fifty-dollar application fee. This fee must be waived for disabled veterans and retired law enforcement officers; and

(7) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant

must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant's fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.

~~(K) A permit holder must have his permit identification card in his possession whenever he carries a concealable weapon. When carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, a permit holder must inform a law enforcement officer of the fact that he is a permit holder and present the permit identification card when an officer:~~

- ~~(1) identifies himself as a law enforcement officer; and~~
- ~~(2) requests identification or a driver's license from a permit holder.~~

A permit holder immediately must report the loss or theft of a permit identification card to SLED headquarters. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars.

(L) SLED shall issue a replacement for lost, stolen, damaged, or destroyed permit identification cards after the permit holder has updated all information required in the original application and the payment of a five-dollar replacement fee. Any change of permanent address must be communicated in writing to SLED within ten days of the change accompanied by the payment of a fee of five dollars to defray the cost of issuance of a new permit. SLED shall then issue a new permit with the new address. A permit holder's failure to notify SLED in accordance with this subsection constitutes a misdemeanor punishable by a twenty-five dollar fine. The original permit shall remain in force until receipt of the corrected permit identification card by the permit holder, at which time the original permit must be returned to SLED.

~~(M) A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a:~~

- ~~(1) law enforcement, correctional, or detention facility;~~
- ~~(2) courthouse or courtroom;~~
- ~~(3) polling place on election days;~~
- ~~(4) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;~~
- ~~(5) school or college athletic event not related to firearms;~~
- ~~(6) daycare facility or preschool facility;~~
- ~~(7) place where the carrying of firearms is prohibited by federal law;~~
- ~~(8) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;~~
- ~~(9) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer; or~~
- ~~(10) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections [23-31-220](#) and [23-31-235](#). Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary. A person who violates a provision of this item, whether the violation is wilful or not, only may be~~

charged with a violation of Section [16-11-620](#) and must not be charged with or penalized for a violation of this subsection.

Except as provided for in item (10), a person who wilfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court and have his permit revoked for five years.

Nothing contained in this subsection may be construed to alter or affect the provisions of Sections [10-11-320](#), [16-23-420](#), [16-23-430](#), [16-23-465](#), [16-23-510](#), [44-23-1080](#), [44-52-165](#), [50-9-830](#), and [51-3-145](#), unless specifically provided for in this section.

(N)(1) ~~Valid out-of-state permits to carry concealable weapons held by a resident of a reciprocal another state who is twenty-one years old or older must be honored by this State, provided, that the reciprocal state requires an applicant to successfully pass a criminal background check and a course in firearm training and safety. A resident of a reciprocal another state carrying a concealable weapon in South Carolina with a valid out-of-state permit to carry a concealable weapon is subject to and must abide by the laws of South Carolina regarding concealable weapons while in South Carolina. SLED shall maintain and publish a list of those states as the states with which South Carolina has reciprocity. The age twenty-one requirement does not apply to a member of the active or reserve military, or a member of the National Guard.~~

~~(2) Notwithstanding the reciprocity requirements of item (1), South Carolina shall automatically recognize concealed weapon permits issued by Georgia and North Carolina.~~

~~(3) The reciprocity provisions of this section shall not be construed to authorize the holder of any out-of-state permit or license to carry, in this State, any firearm or weapon other than a handgun.~~

(O) A permit issued pursuant to this article is not required for a person:

(1) ~~specified in Section [16-23-20](#), items (1) through (5) and items (7) through (11);~~

~~(2) carrying a self-defense device generally considered to be nonlethal including the substance commonly referred to as "pepper gas"; or~~

~~(3) carrying a concealable weapon in a manner not prohibited by law.~~

(P) Upon renewal, a permit issued pursuant to this article is valid for five years. Subject to subsection (Q), SLED shall renew a currently valid permit upon:

(1) payment of a fifty-dollar renewal fee by the applicant. This fee must be waived for disabled veterans and retired law enforcement officers;

(2) completion of the renewal application; and

(3) picture identification or facsimile copy thereof.

(Q) Upon submission of the items required by subsection (P), SLED must conduct or facilitate a state and federal background check of the applicant. If the background check is favorable reveals no information which would be disqualifying under the provisions of this section, SLED must renew the permit."

SECTION 8. Section [23-31-220](#) of the 1976 Code is amended to read:

"Section [23-31-220](#). Nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a public or private employer to prohibit a person, including a person who is licensed under this article, from carrying a concealable weapon upon the premises of the business or work place or while using any

machinery, vehicle, or equipment owned or operated by the business;

(2) the right of a private property owner or person in legal possession or control of private property to allow or prohibit the carrying of a concealable weapon, including a person who possesses a concealable weapons permit, upon his premises.

The posting by the employer, owner, or person in legal possession or control of a sign stating 'No Concealable Weapons Allowed' shall constitute notice to a person, including a person holding a permit issued pursuant to this article, that the employer, owner, or person in legal possession or control requests that concealable weapons not be brought upon the premises or into the work place. A person who brings a concealable weapon onto the premises or work place in violation of the provisions of this paragraph may be charged with a violation of Section [16-11-620](#). In addition to the penalties provided in Section [16-11-620](#), a person convicted of a second or subsequent violation of the provisions of this paragraph must have his any permit issued to him pursuant to this article revoked for a period of one year. The prohibition contained in this section does not apply to ~~persons specified in Section [16-23-20](#), item (1)~~ peace officers engaged in the lawful performance of their official duties."

SECTION 9. Section [23-31-225](#) of the 1976 Code is amended to read:

"Section [23-31-225](#). ~~No~~ A person, including a person who holds a permit issued pursuant to Article 4, Chapter 31, Title 23, may not carry a concealable weapon into the residence or dwelling place of another person without the express permission of the owner or person in legal control or possession, as appropriate, nor may any person remain on the premises while in possession of the weapon if asked by the owner or person who is in legal control or possession of the premises to leave or to remove the weapon from the premises. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned for not more than one year, or both, at the discretion of the court and have his permit revoked for five years. The prohibition contained in this section does not apply to peace officers engaged in the lawful performance of their official duties."

SECTION 10. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 11. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 12. The provisions of this act shall apply only to those individuals who legally may purchase a firearm from a properly licensed and certified firearms dealer.

SECTION 13. This act takes effect upon approval by the Governor.

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