

AMENDED--NOT PRINTED IN THE HOUSE

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## H. 3094

Introduced by Reps. B. Cox, White, Lucas, Burns, Jones, Allison, Caskey, Chumley, Collins, Crawford, Daning, Davis, Elliott, Erickson, Felder, Forrest, Fry, Gagnon, Gatch, Gilliam, Haddon, Hardee, Hewitt, Hiott, Hixon, Huggins, Jordan, Kimmons, Ligon, Long, Magnuson, McCravy, Morgan, Murphy, B. Newton, W. Newton, Nutt, Oremus, Pope, Sandifer, Simrill, G.M. Smith, G.R. Smith, M.M. Smith, Stringer, Taylor, Thayer, Trantham, West, Whitmire, Willis, Wooten, Yow, McGarry, Bryant, V.S. Moss, McCabe, Hosey, T. Moore, W. Cox, Bailey, Lowe, Atkinson, J.E. Johnson, Brittain, Bennett, Hyde, McGinnis, Martin and Bradley

S. Printed 3/17/21--H.

Read the first time January 12, 2021.

## A BILL

TO AMEND SECTION 23-31-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO ENACT THE "OPEN CARRY WITH TRAINING ACT" BY REVISING THE DEFINITION OF THE TERM "CONCEALABLE WEAPON" TO ALLOW A PERMIT HOLDER TO CARRY A CONCEALABLE WEAPON OPENLY ON HIS PERSON; AND TO AMEND SECTION 16-23-20, RELATING TO THE CARRYING OF A HANDGUN, SO AS TO PROVIDE A PERSON WHO POSSESSES A CONCEALED WEAPON PERMIT MAY CARRY IT OPENLY ON OR ABOUT HIS PERSON IN A VEHICLE.

Amend Title To Conform

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

SECTION 1. This act may be cited as the "Open Carry With Training Act".

SECTION 2. Section 23-31-210(5) of the 1976 Code is amended to read:

"(5) 'Concealable weapon' means a firearm having a length of less than twelve inches measured along its greatest dimension that ~~must~~ may be carried openly on one's person or in a manner that is hidden from public view in normal wear of clothing except when needed for self-defense, defense of others, and the protection of real or personal property."

SECTION 3. Section 16-23-20(9) of the 1976 Code is amended to read:

"(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) carried openly or 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;"

SECTION 4. Section 23-31-220 of the 1976 Code is amended to read:

"Section 23-31-220. (a) 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 who is licensed under this article from carrying a concealable or open carry 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 to allow or prohibit the carrying of a concealable or open carry weapon upon his premises.

(B) The posting by the employer, owner, or person in legal possession or control of a sign stating 'No Concealable or Open Carrying of Weapons Allowed' shall constitute notice to a person holding a permit issued pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable or open carry weapons not be brought upon the premises or into the work place. A person who brings a concealable or open carry 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 permit 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).

(C) In addition to the provisions of subsection (b), a public or private employer or owner of a business may post a sign regarding the prohibition or allowance on those premises of concealable weapons or open carrying of weapons which may be unique to that business."

SECTION 5. Section 23-31-235 of the 1976 Code is amended to read:

"Section 23-31-235. (A) Notwithstanding any other provision of this article, any requirement of or allowance for the posting of signs prohibiting the carrying of a concealable or open carry weapon upon any premises shall only be satisfied by a sign expressing the prohibition in both written language interdict and universal sign language.

(B) All signs must be posted at each entrance into a building where a concealable or open carry weapon permit holder is prohibited from carrying a concealable or open carry weapon and must be:

- (1) clearly visible from outside the building;
- (2) eight inches wide by twelve inches tall in size;
- (3) contain the words 'NO CONCEALABLE OR OPEN CARRYING OF WEAPONS ALLOWED' in black one-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;
- (4) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty-five degree angle from the horizontal;
- (5) a diameter of a circle; and
- (6) placed not less than forty inches and not more than sixty inches from the bottom of the building's entrance door.

(C) If the premises where concealable weapons are prohibited does not have doors, then the signs contained in subsection (A) must be:

- (1) thirty-six inches wide by forty-eight inches tall in size;

- (2) contain the words 'NO CONCEALABLE OR OPEN CARRYING OF WEAPONS ALLOWED' in black three-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;
- (3) contain a black silhouette of a handgun inside a circle thirty-four inches in diameter with a diagonal line that is two inches wide and runs from the lower left to the upper right at a forty-five degree angle from the horizontal and must be a diameter of a circle whose circumference is two inches wide;
- (4) placed not less than forty inches and not more than ninety-six inches above the ground;
- (5) posted in sufficient quantities to be clearly visible from any point of entry onto the premises.

(D) Nothing in this section prevents a public or private employer or owner of a business from posting a sign regarding the prohibition or allowance on those premises of concealable weapons or open carrying of weapons which may be unique to that business."

SECTION 6. Section 23-31-210(4)(a) of the 1976 Code is amended to read:

"(a) a person who, within three years before filing an application, successfully has completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety. This education course must include, but is not limited to:

- (i) information on the statutory and case law of this State relating to handguns and to the use of deadly force;
- (ii) information on handgun use and safety;
- (iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; ~~and~~
- (iv) the actual firing of the handgun in the presence of the instructor;
- (v) properly securing a firearm in a holster;
- (vi) 'cocked and locked' carrying of a firearm;
- (vii) how to respond to a person who attempts to take your firearm from your holster; and
- (viii) deescalation techniques and strategies."

SECTION 7. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

"Section 23-31-232. (A) Notwithstanding any other provision of law, upon express permission given by the appropriate church official or governing body, a person who holds a valid permit issued pursuant to this article may carry a concealable weapon on the leased premises of an elementary or secondary school if a church leases the school premises or areas within the school for church services or official church activities.

- (1) The provisions contained in this section apply:
  - (a) only during those times that the church has the use and enjoyment of the property pursuant to its lease with the school; and
  - (b) only to the areas of the school within the lease agreement, any related parking areas, or any reasonable ingress or egress between these areas.
- (2) A school district may request that a church utilizing school property for its services disclose and notify the district that persons are, or may be, carrying concealed weapons on the property.

(3) The provisions of this section do not apply during any time students are present as a result of a curricular or extracurricular school-sponsored activity that is taking place on the school property.

(B) For the purposes of the Federal Gun-Free School Zone Act (18 U.S.C. Section 921(a)), the buildings and grounds of a school that are leased to a church are not considered a school during the hours that the church has the use and enjoyment of the property pursuant to this section."

SECTION 8. Section 23-31-520 of the 1976 Code is amended to read:

~~"Section 23-31-520. This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms, nor does it prevent the regulation of public brandishment of firearms during the times of or a demonstrated potential for insurrection, invasions, riots, or natural disasters. This article denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest.~~

(A) Notwithstanding another provision of law, a governing body of a county, municipality, or political subdivision may temporarily restrict the otherwise lawful open carrying of a firearm on public property when a governing body issues a permit to allow a public protest, rally, fair, parade, festival, or other organized event. However, if a permit is not applied for and issued prior to an event as described in this subsection, a county, municipality, or political subdivision may not exercise the provisions of this subsection. A person or entity hosting a public protest, rally, fair, parade, festival, or other organized event must post signs at the event when open carrying is allowed or not allowed at the event.

(B) A governing body exercising the authority granted to them pursuant to this section must be specific in the area, duration, and manner in which the restriction is imposed and provide prior notice of the restriction when feasible. In no event may the restriction extend beyond the beginning and conclusion of the event or the location of the event.

(C) A county, municipality, or political subdivision may not confiscate a firearm or ammunition for a violation of this section unless incident to an otherwise lawful arrest."

SECTION 9. This act takes effect sixty days after approval by the Governor.