

**South Carolina General Assembly**  
124th Session, 2021-2022

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**Bill 3096**

~~Indicates Matter Stricken~~

Indicates New Matter

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~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 7, 2021

**H. 3096**

Introduced by Reps. B. Cox, Magnuson, Burns, Forrest, Morgan, Haddon, Jones, McCabe, McCravy, Elliott, G.R. Smith, Taylor, Oremus, Trantham, May, Kimmons, Chumley, Long, Stringer, Wooten, McGarry, Fry, V.S. Moss, Hill, Thayer, Caskey, Nutt, T. Moore, Ligon, Hardee, Yow, Hixon, Huggins, Crawford, Willis, Hiott, White, M.M. Smith, Hyde, Martin, Dabney, Gagnon, D.C. Moss, Bailey and B. Newton

S. Printed 4/7/21--H. [SEC 4/8/21 2:21 PM]

Read the first time January 12, 2021.

**A BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2021"; TO AMEND SECTION 10-11-320, RELATING TO CARRYING OR DISCHARGING OF A FIREARM, SO AS TO DELETE THE TERM "CONCEALABLE WEAPONS PERMIT" AND REPLACE IT WITH THE TERM "FIREARM"; TO AMEND SECTION 16-23-20, RELATING TO THE UNLAWFUL CARRYING OF A HANDGUN, SO AS TO REVISE THE LOCATIONS AND CIRCUMSTANCES WHERE CARRYING A HANDGUN IS LEGAL; TO AMEND SECTION 16-23-50, RELATING TO PENALTIES ASSOCIATED WITH VIOLATING CERTAIN HANDGUN LAWS, SO AS TO PROVIDE THAT THE PENALTIES DO NOT APPLY TO A PERSON CARRYING A CONCEALABLE WEAPON ONTO A PREMISE THAT DISPLAYS A SIGN THAT PROHIBITS THE CARRYING OF A CONCEALABLE WEAPON; TO AMEND SECTIONS 16-23-420 AND 16-23-430, BOTH RELATING TO THE POSSESSION OF A FIREARM ON SCHOOL PROPERTY, SO AS TO DELETE REFERENCES TO CONCEALED WEAPON PERMITS, TO DELETE THE TERM "WEAPON" AND REPLACE IT WITH THE TERM "FIREARM", AND TO PROVIDE THAT BOTH SECTIONS DO NOT APPLY TO A PERSON WHO LAWFULLY IS CARRYING A WEAPON SECURED IN A MOTOR VEHICLE; TO AMEND SECTION 16-23-465, RELATING TO PENALTIES FOR CARRYING A FIREARM INTO A BUSINESS THAT SELLS ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION, SO AS TO PROVIDE THIS PROVISION DOES NOT APPLY TO A PERSON WHO VIOLATES CERTAIN OFFENSES, AND TO PROVIDE ADDITIONAL CIRCUMSTANCES WHEN IT DOES APPLY TO CERTAIN OFFENSES; TO AMEND SECTION 23-31-215, RELATING TO THE ISSUANCE OF A CONCEALED

WEAPON PERMIT, SO AS TO DELETE THE PROVISION THAT REQUIRES A PERMIT HOLDER TO POSSESS HIS PERMIT IDENTIFICATION WHEN CARRYING A CONCEALABLE WEAPON, TO REVISE THE PROVISION THAT LISTS THE PLACES UPON WHICH A PERSON MAY NOT CARRY A CONCEALABLE WEAPON, TO REVISE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO CARRY A CONCEALABLE WEAPON WITHOUT A PERMIT, AND REVISE THE PENALTIES THAT MAY BE IMPOSED PURSUANT TO THIS SECTION; TO AMEND SECTION 23-31-220, RELATING TO A PROPERTY OWNER'S RIGHT TO ALLOW A HOLDER OF A CONCEALED WEAPONS PERMIT TO CARRY A WEAPON ONTO HIS PROPERTY, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THIS PROVISION REGULATES BOTH PERSONS WHO POSSESS AND DO NOT POSSESS A CONCEALABLE WEAPONS PERMIT, AND TO PROVIDE THIS PROVISION APPLIES TO A PERSON WHO KNOWINGLY BRINGS A CONCEALABLE WEAPON ONTO A PREMISE OR WORKPLACE; TO AMEND SECTION 23-31-235, RELATING TO THE POSTING OF SIGNS THAT PROHIBIT THE CARRYING OF CONCEALABLE WEAPONS ONTO A PREMISE, SO AS TO PROVIDE THE SIGNAGE PROHIBITS BOTH PERMIT HOLDERS AND NON-PERMIT HOLDERS FROM CARRYING A WEAPON ONTO THE PREMISE; AND TO REPEAL SECTIONS 16-23-460, 23-31-225, AND 23-31-230 RELATING TO UNLAWFULLY CARRYING A CONCEALED DEADLY WEAPON, AND CARRYING A CONCEALABLE WEAPON FROM A MOTOR VEHICLE TO CERTAIN RENTAL DWELLINGS.

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 "South Carolina Constitutional Carry Act of 2021".

SECTION 2. Section 10-11-320 of the 1976 Code is amended to read:

"Section 10-11-320. (A) It is unlawful for any person or group of persons to:

- (1) carry or have readily accessible to the person upon the capitol grounds or within the capitol building any firearm or dangerous weapon; or
- (2) discharge any firearm or to use any dangerous weapon upon the capitol grounds or within the capitol building.

(B) This section does not apply to a person who possesses a ~~concealable weapons' permit pursuant to Article 4, Chapter 31, Title 23~~ firearm and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain locked in the person's vehicle while on or below the capitol grounds and must be stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds."

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

"Section 16-23-20. (A) It is unlawful, whether or not the person has a concealed weapon permit, for anyone to carry about the person any handgun, whether concealed or not, ~~except as follows~~, unless otherwise specifically ~~prohibited~~ authorized by law into a:

- (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 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 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 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;~~

(1) law enforcement, correctional, or detention facility;

(2) courthouse or courtroom;

(3) polling place on election day;

(4) business meeting or office 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;

(9) medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer;

(10) residence or dwelling place of another person; or

(11) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises in compliance with Section 23-31-235. 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.

(B) The provisions of subsection (A) do not apply to:

(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 or other authorized personnel 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) employees of a law enforcement facility, correctional facility, detention facility or courthouse while in the course of employment and where the employment requires the possession of a firearm;

(3) members of the armed forces of the United States, the National Guard, organized reserves, or the State Militia when on duty;

(4) subject to the limitations of Section 23-31-600(D), persons who meet the definition of 'qualified retired law enforcement officer' contained in Section 23-31-600;

(5) a person carrying as authorized by Section 23-31-240; or

(6) a person given permission to carry a firearm by the property owner or person in control of the premises or an agent of the owner or person in control of the premises with the authority to give such permission, whether or not the property is posted pursuant to Section 23-31-235.

(C) Nothing contained in this section may be construed to alter or affect the provisions of Sections 10-11-320, 16-23-30, 16-23-420, 16-23-430, 16-23-465, 44-23-1080, 44-52-165, and 51-3-145, or the ability for a person to obtain a concealed weapon permit as provided for in Section 23-31-215."

SECTION 4. Section 16-23-50(A)(2) of the 1976 Code is amended to read:

"(2) A person violating the provisions of Section 16-23-20, except for a violation of Section 16-23-20(A)(11), is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both."

SECTION 5. Section 16-23-420 of the 1976 Code is amended to read:

"Section 16-23-420. (A) It is unlawful for a person to 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 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.

(B) It is unlawful for a person to enter 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 firearm 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 6. Section 16-23-430 of the 1976 Code is amended to read:

"Section 16-23-430. (A) It shall be 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 remains 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.

(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 7. Section 16-23-465 of the 1976 Code is amended to read:

"Section 16-23-465. (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 knowingly carrying a 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.

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.

(B)(1) This section does not apply to a person otherwise lawfully carrying a ~~concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23;~~ however, the person shall ~~firearm~~ who does not consume alcoholic liquor, beer, or wine while carrying the ~~concealable weapon~~ firearm on the business' premises. A person who violates this item may be charged with a violation of subsection (A).

(2) A property owner, holder of a lease interest, or operator of a business may prohibit the carrying of concealable weapons into the business by posting a 'NO CONCEALABLE WEAPONS ALLOWED' sign in compliance with Section 23-31-235. A person who carries a concealable weapon into a business with a sign posted in compliance with Section 23-31-235 may be charged with a violation of subsection (A).

(3) A property owner, holder of a lease interest, or operator of a business may request that a person carrying a concealable weapon leave the business' premises, or any portion of the premises, or request that a person carrying a concealable weapon remove the concealable weapon from the business' premises, or any portion of the premises. A person carrying a concealable weapon who refuses to leave a business' premises or portion of the premises when requested or refuses to remove the concealable weapon from a business' premises or portion of the premises when requested may be charged with a violation of subsection (A)."

SECTION 8. Section 23-31-215(K), (M), (O), and (U) of the 1976 Code is amended to read:

~~"(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 within forty-eight hours of the time the permit holder knew or reasonably should have known of the loss or theft. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars."

"(M) A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into ~~any~~ any place listed in Section 16-23-20(A) except as otherwise permitted by law

~~(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.~~

Except as provided in Section 16-23-20(A)(11), a person who wilfully violates a provision of this subsection may be charged with a violation of Section 16-23-20 and in addition to the penalties provided in Section 16-23-20, at the discretion of the court, may have his permit revoked for up to 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, 44-23-1080, 44-52-165, 50-9-830, and 51-3-145."

"(O)(1). 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)(a) carrying a self-defense device generally considered to be nonlethal including the substance commonly referred to as 'pepper gas'; or~~
- ~~(3)(b) carrying a concealable weapon in a manner not prohibited by law.~~

(2) The availability of a permit to carry a concealable weapon under this section must not be construed to prohibit the permitless transport or carrying of a firearm in a vehicle or on or about one's person, whether openly or concealed, loaded or unloaded, in a manner not prohibited by law.

~~(U) A concealable weapon permit holder whose permit has been expired for no more than one year may not be charged with a violation of Section 16-23-20 but must be fined not more than one hundred dollars."~~

SECTION 9. 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 who is ~~licensed under this article~~ otherwise not prohibited by law from possessing a handgun 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; or
- (2) the right of a private property owner or person in legal possession or control to allow or prohibit the carrying of a concealable weapon 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 ~~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 knowingly 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 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 (B)(1)~~."

SECTION 10. Section 23-31-235(B) of the 1976 Code is amended to read:

"(B) All signs must be posted at each entrance into a building where carrying of a concealable weapon permit holder is prohibited ~~from carrying a concealable 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 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."

SECTION 11. Sections 16-23-460, 23-31-225, and 23-31-230 of the 1976 Code are repealed.

SECTION 12. 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 13. Chapter 31, Title 23 of the 1976 Code is amended by adding:

"Article 9

Constitutional Carry/Second Amendment Preservation Act

Section 23-31-910. This article may be referred to as the 'Constitutional Carry/Second Amendment Preservation Act'.



Section 23-31-920. The General Assembly finds that the Second Amendment to the United States Constitution protects an individual's right to openly carry firearms, to 'keep and bear arms' and to further provide that the right to keep and bear arms may not be infringed.

Section 23-31-930. (A) Notwithstanding another provision of law:

(1) no public funds of this State, or any political subdivision of this State, shall be allocated for the implementation, regulation, or enforcement of any executive order, or directive issued by the President of the United States or an act of the United States Congress that contradicts the provisions of this act relating to Constitutional Carry, or that otherwise regulates the ownership, use, or possession of firearms, ammunition, or firearm accessories if passed after January 1, 2021; and

(2) no personnel or property of this State, or any political subdivision of this State, shall be allocated to the implementation, regulation, or enforcement of any executive order, or directive issued by the President of the United States that contradicts the provisions of this act relating to Constitutional Carry, or that regulates the ownership, use, or possession of firearms, ammunitions, or firearm accessories if passed after January 1, 2021.

(B) For purposes of this section, 'firearm' has the same meaning as defined in Section 23-31-1050(3)."

SECTION 14. This act takes effect upon approval by the Governor.

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