

South Carolina General Assembly
125th Session, 2023-2024

Bill 3594

~~Indicates Matter Stricken~~
Indicates New Matter

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

Indicates Matter Stricken

~~Indicates New Matter~~

Amended - Not Printed Bill for the House

Amt. No. 27

February 23, 2023

H. 3594

Introduced by Reps. B. J. Cox, G. M. Smith, Lowe, Wooten, Hiott, Bailey, Beach, Burns, Caskey, Crawford, Cromer, Elliott, Forrest, Haddon, Hardee, Hixon, Hyde, Jordan, Ligon, Long, Magnuson, May, McCabe, McCravy, A. M. Morgan, T. A. Morgan, T. Moore, B. Newton, Nutt, Oremus, M. M. Smith, S. Jones, Taylor, Thayer, Trantham, Willis, Yow, West, Lawson, Chapman, Chumley, Leber, Mitchell, Pace, Harris, O'Neal, Kilmartin, Murphy, Brewer, Robbins, Hager, Sandifer, Connell, Gilliam, Davis, B. L. Cox, Vaughan, White, Collins, J. E. Johnson, Gagnon, Gibson, W. Newton, Bustos, Herbkersman, Landing, Moss, Pope and Guest

S. Printed 02/23/23--H. [SEC 2/24/2023 1:33 PM]

Read the first time January 10, 2023

A BILL

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CONSTITUTIONAL CARRY/SECOND AMENDMENT PRESERVATION ACT OF 2023" BY AMENDING SECTION 10-11-320, RELATING TO CARRYING OR DISCHARGING FIREARMS AND EXCEPTIONS FOR CONCEALABLE WEAPONS PERMIT HOLDERS, SO AS TO DELETE A PROVISION THAT MAKES THIS SECTION INAPPLICABLE TO PERSONS THAT POSSESS CONCEALABLE WEAPONS PERMITS AND TO PROVIDE THIS SECTION DOES NOT APPLY TO PERSONS WHO POSSESS FIREARMS; BY AMENDING SECTION 16-23-20, RELATING TO UNLAWFUL CARRYING OF HANDGUNS, SO AS TO REVISE THE PLACES WHERE AND CIRCUMSTANCES UPON WHICH HANDGUNS MAY BE CARRIED, AND PERSONS WHO MAY CARRY HANDGUNS; BY AMENDING SECTION 16-23-50, RELATING TO CERTAIN PENALTIES, DISPOSITION OF FINES, AND FORFEITURE AND DISPOSITION OF HANDGUNS, SO AS TO PROVIDE EXCEPTIONS TO THE UNLAWFUL CARRYING OF HANDGUNS; BY AMENDING SECTION 16-23-55, RELATING TO PROCEDURES FOR RETURNING FOUND HANDGUNS, SO AS TO DELETE THE PROVISION RELATING TO FILING APPLICATIONS TO OBTAIN FOUND HANDGUNS, AND PROVIDE CIRCUMSTANCES THAT ALLOW LAW ENFORCEMENT AGENCIES TO MAINTAIN POSSESSION OR DISPOSE OF FOUND HANDGUNS; BY AMENDING SECTION 16-23-420, RELATING TO POSSESSION OF FIREARMS ON SCHOOL PROPERTY, SO AS TO DELETE THE PROVISION THAT EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THIS PROVISION, AND DELETE THE TERM "WEAPON" AND REPLACE IT WITH THE TERM "FIREARM"; BY AMENDING SECTION 16-23-430, RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTY, SO AS TO DELETE THE PROVISION THAT

EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THIS PROVISION; BY AMENDING SECTION 16-23-465, RELATING TO THE ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING PISTOLS OR FIREARMS ONTO PREMISES OF BUSINESSES SELLING ALCOHOLIC LIQUOR, BEER, OR WINE FOR ON-PREMISES CONSUMPTION, SO AS TO PROVIDE THIS PROVISION DOES NOT APPLY TO CERTAIN OFFENSES THAT PROHIBIT PERSONS FROM CARRYING CERTAIN DEADLY WEAPONS, TO PROVIDE THIS PROVISION APPLIES TO PERSONS WHO KNOWINGLY CARRY CERTAIN FIREARMS, TO DELETE THE PROVISION THAT EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THE PROVISIONS OF THIS SECTION, AND TO PROVIDE PERSONS LAWFULLY CARRYING FIREARMS WHO DO NOT CONSUME ALCOHOLIC BEVERAGES ARE EXEMPT FROM THE PROVISIONS OF THIS SECTION; BY AMENDING SECTION 23-31-215, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO DELETE THE PROVISIONS REQUIRING PERMIT HOLDERS TO CARRY PERMITS WHILE CARRYING WEAPONS AND IDENTIFYING THEMSELVES AS PERMIT HOLDERS TO LAW ENFORCEMENT OFFICERS, TO REVISE THE REQUIREMENTS TO REPORT THE LOSSES OF PERMITS TO SLED, TO REVISE THE PREMISES UPON WHICH PERMIT HOLDERS MUST NOT CARRY WEAPONS, TO PROVIDE ADDITIONAL PENALTIES FOR CERTAIN VIOLATIONS, TO REVISE THE PROVISION THAT PROVIDES EXEMPTIONS TO CARRYING PERMITS, AND TO DELETE THE PROVISION RELATING TO PENALTIES FOR CARRYING EXPIRED PERMITS; BY AMENDING SECTION 23-31-220, RELATING TO THE RIGHT TO ALLOW OR PERMIT CONCEALED WEAPONS UPON PREMISES AND THE POSTING OF SIGNS PROHIBITING THE CARRYING OF WEAPONS, SO AS TO MAKE TECHNICAL CHANGES, THAT PERSONS MUST KNOWINGLY VIOLATE THE PROVISIONS OF THIS SECTION TO BE CHARGED WITH A VIOLATION, AND TO PROVIDE THIS SECTION DOES NOT LIMIT PERSONS FROM CARRYING CERTAIN WEAPONS IN STATE PARKS; BY AMENDING SECTION 23-31-232, RELATING TO CARRYING CONCEALABLE WEAPONS ON PREMISES OF CERTAIN SCHOOLS LEASED BY CHURCHES, SO AS TO PROVIDE APPROPRIATE CHURCH OFFICIALS OR GOVERNING BODIES MAY ALLOW ANY PERSON TO CARRY A CONCEALABLE WEAPON ON THE LEASED PREMISES; BY AMENDING SECTION 23-31-235, RELATING TO CONCEALABLE WEAPON SIGN REQUIREMENTS, SO AS TO PROVIDE THE SIGNS MUST BE POSTED AT LOCATIONS WHERE THE CARRYING OF CONCEALABLE WEAPONS ARE PROHIBITED; BY AMENDING SECTION 23-31-600, RELATING TO RETIRED PERSONNEL, IDENTIFICATION CARDS, AND QUALIFICATIONS FOR CARRYING CONCEALED WEAPONS, SO AS TO MAKE A TECHNICAL CHANGE; BY REPEALING SECTIONS 16-23-460, 23-31-225, AND 23-31-230, RELATING TO THE CARRYING OF WEAPONS BY INDIVIDUALS ON THEIR PERSON, INTO RESIDENCES OR DWELLINGS, OR BETWEEN A MOTOR VEHICLE AND A RENTED ACCOMMODATION; AND BY AMENDING SECTION 16-23-500, RELATING TO UNLAWFUL POSSESSION OF FIREARMS BY PERSONS CONVICTED OF VIOLENT OFFENSES, THE CONFISCATION OF CERTAIN WEAPONS, AND THE RETURN OF FIREARMS TO INNOCENT OWNERS, SO AS TO REVISE THE LIST OF CRIMES SUBJECT TO THIS PROVISION AND THE PENALTIES ASSOCIATED WITH VIOLATIONS, AND TO DEFINE THE TERM "CRIME PUNISHABLE BY A MAXIMUM TERM OF IMPRISONMENT OF MORE THAN ONE YEAR".

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/Second Amendment Preservation Act of 2023".

SECTION 2. Section 10-11-320(B) of the S.C. Code is amended to read:

(B) This section does not apply to a person who possesses ~~a concealable weapons' permit pursuant to Article 4, Chapter 31, Title 23~~ firearms 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 S.C. 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;~~
- ~~—(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) 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;~~
- ~~—(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;

___(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.

(D) Notwithstanding any provision in this section, a person who is not otherwise prohibited by law from carrying a firearm may lawfully store a firearm anywhere in a vehicle whether occupied or unoccupied.

SECTION 4. Section 16-23-50(A)(2) of the S.C. 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 16-23-55(C) and (D) of the S.C. Code is amended to read:

(C) After the ninety days have elapsed from publication of the first advertisement, and upon request of the individual who found and turned over the handgun, the agency shall return the handgun to this person if the individual ~~fully completes the application process as described in Section 23-31-140 and in federal law, and~~ pays all advertising and other costs incidental to returning the handgun. ~~No handgun may be returned until the individual fully completes the application.~~

~~(D) Upon proper completion of the application, the law enforcement agency shall provide copies of the application in compliance with Section 23-31-140.~~ Notwithstanding subsection (C), the agency shall not return a handgun to the individual who found and turned it in if that individual is prohibited under state or federal law from possessing or receiving a handgun. The agency may dispose of any handgun that is not reclaimed or returned under this section by sale in accordance with Section 27-21-22 and Section 27-21-20.

SECTION 6. Section 16-23-420 of the S.C. 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, Title 23~~ when upon any premises, property, or building that is part of an interstate highway rest area facility.

SECTION 7. Section 16-23-430 of the S.C. 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 8. Section 16-23-465 of the S.C. 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 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 9. Section 23-31-215 (K), (M), (O), and (U) of the S.C. 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.

An owner or other person who is lawfully in possession of a firearm, rifle, or shotgun in this State who suffers the loss or theft of such weapon shall report, within thirty days of discovery, the loss or theft of each weapon to the appropriate local law enforcement agency, whether local police department or county sheriff's office, which would have appropriate jurisdiction where the weapon is located. In addition, the facts and circumstances of the loss or theft also must be reported to the appropriate law enforcement agency to which the report is made.

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

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

(3b) 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 10. Section 23-31-220 of the S.C. 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~~ otherwise not prohibited by law from possessing a handgun from carrying a concealable weapon, whether concealed or openly carried, upon the premises of the business or ~~work place~~ workplace 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, whether concealed or openly carried, upon his premises.

(B) 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, whether concealed or openly carried, not be brought upon the premises or into the work place. A person who knowingly brings a concealable weapon, whether concealed or openly carried, onto the premises or ~~work place~~ workplace 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).~~

(C) In addition to the provisions of subsection (B), a public or private employer or the owner of a business may post a sign regarding the prohibition or allowance on those premises of concealable weapons, whether concealed or openly carried, which may be unique to that business.

(D) This section must not be construed to limit an individual from carrying a concealable weapon pursuant to Section 51-3-145(G).

SECTION 11. Section 23-31-232(A) of the S.C. Code is amended to read:

(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~~ any person may carry a concealable weapon, whether concealed or openly carried, 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 school 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 school district if persons are, or may be, carrying concealed weapons on the school 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.

SECTION 12. Section 23-31-235(B) of the S.C. 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, whether concealed or openly carried,~~ 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 13. Section 23-31-600(D) of the S.C. Code is amended to read:

(D) The restrictions contained in ~~Sections~~ Section 23-31-220 and 23-31-225 are applicable to a person carrying a concealed weapon pursuant to this section. Carrying a concealed weapon into the residence or dwelling place of another person is prohibited without the expressed permission of the owner or person in legal control or possession of the premises, as appropriate.

SECTION 14. Section 51-3-145(G) of the S.C. Code is amended to read:

(G) Possessing any firearm, airgun, explosive, or firework except by duly authorized park personnel, law enforcement officers, or persons using areas specifically designated by the department for use of firearms, airguns, fireworks, or explosives. Licensed hunters may have firearms in their possession during hunting seasons provided that such firearms are unloaded and carried in a case or the trunk of a vehicle except that in designated game management areas where hunting is permitted, licensed hunters may use firearms for hunting in the manner authorized by law. This subsection shall not apply to a person in possession or carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, and the concealable weapon and its ammunition, as defined in Section 23-31-20(5).

SECTION 15. Sections 16-23-460, 23-31-225, and 23-31-230 of the S.C. Code are repealed.

SECTION 16. Section 16-23-500 of the S.C. Code is amended to read:

Section 16-23-500. (A) Except as provided in subsection (F), it is unlawful for a person who has been convicted of a violent crime, as defined by Section 16-1-60, that is classified as a felony offense, crime punishable by a maximum term of imprisonment of more than one year to possess a firearm or ammunition within this State.

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

- (1) for a first offense, must be imprisoned not more than five years;
- (2) for a second offense, must be imprisoned for a mandatory minimum of five years, but not more than twenty years; and
- (3) for a third or subsequent offense, must be imprisoned for a mandatory minimum of ten years, but not more than thirty years.

(C)(1) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law

enforcement agency that receives the confiscated firearm or ammunition may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy it. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm or ammunition, the division may keep the firearm or ammunition for use by its forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies under the provisions of this section.

(2) A law enforcement agency that receives a firearm or ammunition pursuant to this section shall administratively release the firearm or ammunition to an innocent owner. The firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally determined. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this section which resulted in the confiscation of the firearm or ammunition. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this section.

~~(D) The judge that hears the case involving the violent court with jurisdiction over an offense, as defined by Section 16-1-60, that is classified as a felony offense, punishable by imprisonment for more than one year, as provided in subsection (A), shall make a specific finding on the record that the offense is a violent offense, as defined by Section 16-1-60, and is classified as a felony offense subject to the provisions of this section. A judge's failure to make a specific finding on the record does not bar or otherwise affect prosecution pursuant to this subsection and does not constitute a defense to prosecution pursuant to this subsection.~~

~~(E) A second or subsequent offense for the purpose of this section means any conviction pursuant to Section 16-23-500(A).~~

~~(F) For the purpose of this section, "crime punishable by a maximum term of imprisonment of more than one year" does not include:~~

~~(1) any offense in this State or another jurisdiction pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;~~

~~(2) any offense classified by the laws of this State or another jurisdiction as a misdemeanor and punishable by a term of imprisonment of five years or less; or~~

~~(3) any crime for which the conviction has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.~~

SECTION 17. Section 22-5-910 of the S.C. Code is amended to read:

Section 22-5-910. (A) Following a conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, or a first offense for unlawful possession of a firearm or weapon carrying a penalty of not more than one year or a fine of one thousand dollars, or both, the defendant after three years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant. However, this section does not apply to an offense involving the operation of a motor vehicle.

(B) Following a conviction for domestic violence in the third degree pursuant to Section 16-25-20(D), or Section 16-25-20(B)(1) as it existed before June 4, 2015, the defendant after five years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant.

(C) If the defendant has had no other conviction, including out-of-state convictions, during the three-year period as provided in subsection (A), or during the five-year period as provided in subsection (B), the circuit court may issue an order expunging the records including any associated bench warrant.

(D) After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of the expungement to ensure that no person takes advantage of the rights of this section more than once. This nonpublic record is not subject to release pursuant to Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this section from being taken advantage of more than once.

(E) As used in this section, "conviction" includes a guilty plea, a plea of nolo contendere, or the forfeiting of bail. For the purpose of this section, any number of offenses ~~for crimes carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both listed pursuant to subsection (A),~~ for which the individual received sentences at a single sentencing proceeding that are closely connected and arose out of the same incident may be considered as one offense and treated as one conviction for expungement purposes.

(F) No person may have the person's record expunged under this section if the person has pending criminal charges of any kind unless the charges have been pending for more than five years; however, this five-year time period is tolled for any time the defendant has been under a bench warrant for failure to appear. No person may have the person's records expunged under this section more than once. A person may have the person's record expunged even though the conviction occurred before the effective date of this section.

SECTION 18. Section 23-31-240 of the S.C. Code is amended to read:

Section 23-31-240. (A) Notwithstanding any other provision contained in this article, the following persons who possess a valid permit pursuant to this article may carry a concealable weapon anywhere within this State:

- (1) active Supreme Court justices;
- (2) active judges of the court of appeals;
- (3) active circuit court judges;
- (4) active family court judges;
- (5) active masters-in-equity;
- (6) active probate court judges;
- (7) active magistrates;
- (8) active municipal court judges;
- (9) active federal judges;
- (10) active administrative law judges;
- (11) active solicitors and assistant solicitors;
- (12) active workers' compensation commissioners; ~~and~~
- (13) the Attorney General and assistant attorneys general;
- (14) active County Clerks of Court; and
- (15) active public defenders and assistant public defenders.

(B) Notwithstanding the provisions of subsection (A), public defenders and assistant public defenders may not carry a concealable weapon into a local or state correctional facility.

SECTION 19. Article 4, Chapter 31, Title 23 of the S.C. Code is amended by adding:

Section 23-31-245. A person openly carrying a weapon in accordance with this article does not give a law enforcement officer reasonable suspicion or probable cause to search, detain, or arrest the person.

SECTION 20. No provision in this act should be construed as the General Assembly discouraging responsible gun ownership; and the General Assembly, in fact, encourages all gun owners to pursue and receive appropriate gun safety training before carrying a firearm or weapon.

SECTION 21. 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 22. This act takes effect upon approval by the Governor.

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