**South Carolina General Assembly**

119th Session, 2011-2012

**S. 1408**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Bryant, Bright, Verdin, S. Martin, Fair and Grooms

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Introduced in the Senate on April 10, 2012

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

Summary: Constitutional Carry Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/10/2012 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj%20archive\2012\04-10-12.docx))

4/10/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h:\sj%20archive\2012\04-10-12.docx))

**VERSIONS OF THIS BILL**

[4/10/2012](file:///p:\pprever\2011-12\1408_20120410.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2012”, TO AMEND SECTION 16‑23‑20, RELATING TO OFFENSES INVOLVING WEAPONS, TO CHANGE THE OFFENSE OF UNLAWFULLY CARRYING A HANDGUN TO CARRYING A HANDGUN WITH INTENT TO COMMIT A CRIME; TO REPEAL SECTION 16‑22‑460, RELATING TO THE OFFENSE OF CARRYING A CONCEALED WEAPON; TO AMEND SECTION 23‑31‑220, RELATING TO SIGNS AND THE RIGHT TO ALLOW OR PERMIT CONCEALED WEAPONS UPON PREMISES, TO REMOVE REFERENCES TO CONCEALED WEAPONS PERMITS AND TO ALLOW A PRIVATE EMPLOYER OR OWNER TO ALLOW OR PROHIBIT ANYONE FROM CARRYING A WEAPON UPON HIS PREMISES BY PROVIDING NOTICE WITH A SIGN; TO AMEND SECTION 23‑31‑225, RELATING TO CARRYING CONCEALED WEAPONS INTO RESIDENCES OR DWELLINGS, TO REMOVE REFERENCES TO CONCEALED WEAPONS PERMITS AND TO PROHIBIT ANY PERSON FROM ENTERING A RESIDENCE OR DWELLING OF ANOTHER WITH A WEAPON WITHOUT PERMISSION; AND TO AMEND SECTION 23‑31‑240, RELATING TO PERSONS WHO ARE ALLOWED TO CARRY A WEAPON ANYWHERE IN THE STATE WHILE ON DUTY, TO INCLUDE LAW ENFORCEMENT OFFICERS.

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 2012”.

SECTION 2. Section 16‑23‑20 of the 1976 Code is amended to read:

“Section 16‑23‑20. 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:~~

~~(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; 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.~~ with the intent to commit a crime. The intent to commit a crime shall not be inferred from the mere possession, carrying, or concealment of a loaded or unloaded handgun.”

SECTION 3. Section 16‑23‑460 of the 1976 Code is repealed.

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~~ 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 private person in legal possession or control to allow or prohibit the carrying of a ~~concealable~~ weapon upon his premises.

(B) The posting by the private 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 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 (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, and deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources.”

SECTION 5. Section 23‑31‑225 of the 1976 Code is amended to read:

“Section 23‑31‑225. No person ~~who holds a permit issued pursuant to Article 4, Chapter 31, Title 23~~ may 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. 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.”

SECTION 6. Section 23‑31‑240 of the 1976 Code is amended to read:

“Section 23‑31‑240. 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, when carrying out the duties of their office:

(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; ~~and~~

(12) active workers’ compensation commissioners; and

(13) 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, and deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources.”

SECTION 7. This act takes effect upon approval by the Governor.

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