**South Carolina General Assembly**

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**H. 3052**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Putnam, Long and Pitts

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

Summary: Jacob Hall School Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 54](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 54](file:///h:\hj\20170110.docx))

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**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3052_20161215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “JACOB HALL SCHOOL PROTECTION ACT” BY ADDING ARTICLE 6 TO CHAPTER 63, TITLE 59 SO AS TO PROVIDE PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICT OFFICES MAY AUTHORIZE EMPLOYEES TO HOLD A PUBLIC SCHOOL CONCEALED WEAPONS PERMIT FOR THE LIMITED PURPOSE OF RESPONDING TO LIVE SHOOTERS OR THE IMMINENT THREAT OF LIVE SHOOTERS ON SCHOOL PROPERTY, TO PROVIDE RELATED POWERS AND DUTIES FOR PUBLIC SCHOOL PRINCIPALS AND SCHOOL DISTRICT SUPERINTENDENTS, TO PROVIDE RELATED REQUIREMENTS OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE PROCEDURES THROUGH WHICH EMPLOYEES MAY OBTAIN THESE PERMITS, TO PROVIDE REQUIREMENTS FOR THE POSSESSION AND USE OF CONCEALED WEAPONS PURSUANT TO THESE PERMITS, TO PROVIDE FOR THE MANNER IN WHICH THESE PERMITS MAY BE REVOKED, TO PROVIDE THE IDENTITIES OF PERMIT HOLDERS ARE NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT AND MAY NOT BE PROVIDED TO THE PUBLIC, AND TO PROVIDE PROVISIONS CONCERNING PRIVATE SCHOOLS, AMONG OTHER THINGS.

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

SECTION 1. Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Article 6

Section 59‑63‑610. This act must be known and may be cited as the ‘Jacob Hall School Protection Act’.

Section 59‑63‑620. A public school concealed weapons permit (PSCWP) is a specialized permit authorized by this article which enables a person to possess a concealed weapon on public school property, notwithstanding another provision of law, for the purpose of confronting a live shooter or an imminent threat of a live shooter in his vicinity on school property. A PSCWP holder may not be used to discipline or restrain a student unless the student is the live shooter or poses the imminent threat of being a live shooter. Once a PSCWP who is responding to a live shooter or imminent threat of a live shooter is aware that law enforcement has arrived on the scene, he must stand down and follow the instructions of that law enforcement. A PSCWP holder may not be found liable for damages caused by his use of a weapon in compliance with the provisions of this chapter.

Section 59‑63‑630. (A) The South Carolina Law Enforcement Division shall provide a PSCWP for the limited purposes provided in this article. The intention of this permit is to enable certain school personnel to provide protection in the event of an active shooter in the absence of law enforcement or in the assistance of law enforcement in the event of an active shooter.

(B) A determination of whether the policy of a particular school is to allow its employees to obtain a PSCWP is within the exclusive jurisdiction of the principal of the school. A determination of whether the policy of allowing employees in the district office to obtain a PSCWP is within the exclusive jurisdiction of the superintendent. An employee who wishes to obtain a PSCWP but is refused has no legal recourse and is not entitled to a due process hearing on the matter.

(C) In order for a public school employee to obtain a PSCWP, he must submit an application to SLED on forms that SLED shall develop and provide. The form of a person employed in a school must have the signature of the principal or the application may not be processed. The form of a person employed in the district office must have the signature of the superintendent or the application may not be processed. The school or district that is the direct employer of an applicant shall pay an application fee, training, and background check fee required to obtain a PSCWP.

(D) A PSCWP is valid for five years and may be renewed through a process developed by SLED.

(E) A principal or superintendent may at any time, for any reason or no reason at all, revoke the PSCWP of a person employed in the school or in the district office, respectively. If a principal chooses to revoke a PSCWP from a person employed in his school, the principal shall submit letters informing the superintendent and SLED of the revocation. If a superintendent chooses to revoke a PSCWP from an employee in the district office, the superintendent shall submit a letter informing SLED of the revocation. A principal, superintendent, or a designee of a principal or superintendent may request the PSCWP holder to surrender his PSCWP; if the employee refuses to surrender his PSCWP, then it will be grounds for immediate employment termination.

(F)(1) When a PSCWP holder brings a weapon onto a school campus or into a district office where he is employed, he shall, upon arrival, check in at the school or district office and must check out at the school office or district office when leaving campus.

(2) A PSCWP holder shall carry his concealed weapon properly holstered on his person at all times on school grounds, if he brings the weapon onto the school grounds. The weapon may never be visible to the public.

(3) A violation of this section is grounds for immediate termination and the violator is subject to law concerning the unlawful carrying of a firearm on school grounds.

Section 59‑63‑640. SLED shall approve at least three concealed carry holsters and their vendors and provide a list of these approved holsters and vendors to a PSCWP holder. A PSCWP holder only may use such a concealed carry holster for his firearm while on school grounds.

Section 59‑63‑650. A local school or school district may restrict the type of ammunition that a PSCWP holder may use in their firearm while on school grounds or in the district office, respectively. If the designated ammunition is not industry‑standard concealed carry ammunition, the school or school district will provide or reimburse the PSCWP holder’s costs for the special ammunition.

Section 59‑63‑660. A principal or superintendent may, at his exclusive discretion, require additional training for PSCWP holders in their school or district, respectively. The cost for this additional training may not be the responsibility of the PSCWP holder and must be paid by the district. The district shall allow for time off in order for the PSCWP holder to complete the additional training. This time off for training may not be deducted from the PSCWP holder’s vacation or sick leave balances. School districts are encouraged to work with local law enforcement agencies to allow their PSCWP holders to attend local law enforcement training exercises that pertain to public schools. Local law enforcement is encouraged to work with local schools and the school district to invite PSCWP holders to attend training regarding live shooter scenarios.

Section 59‑63‑670. (A) A PSCWP holder may carry his weapon any place that any other concealed weapons permit holder may carry. The same privileges to which a concealed weapons permit holder is entitled also apply to a PSCWP holder, except for the prohibition on carrying a concealed weapon on public school grounds. A PSCWP holder may carry on any public school grounds within the district in which he is employed. The PSCWP privileges do not extend to school district grounds outside of that where the PSCWP holder is employed, except:

(1) when on school‑sponsored trips, but only if the principal and superintendent give written approval in the case of a school employee, or, if the superintendent gives written approval in the case of a district office employee; and

(2) if the superintendent and, if applicable, the principal provide written approval and the principal and superintendent of the school grounds at which the PSCWP holder intends to visit provide written approval.

(B) Written approval required in subsection (A) must provide a time frame in which the approval is valid, not to exceed twenty‑four hours for intrastate travel or one week for travel outside of the State.

Section 59‑63‑680. The identities of PSCWP holders may not be made available to the public and are exempt from disclosure under the Freedom of Information Act, notwithstanding another provision of law. The identity of a PSCWP holder may be shared with school employees at the discretion of the principal or superintendent who signed the application of the PSCWP holder.

Section 59‑63‑690. A private, non‑governmental supported school is exempt from the provisions of this chapter, but may elect to allow their employees to obtain a PSCWP under the provisions of this article and may develop their own guidelines for the procedures a PSCWP holder must follow at their school.”

SECTION 2. This act takes effect upon approval by the Governor.

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