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**STATUS INFORMATION**

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Summary: SC Citizens' Defense Act of 2021

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

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12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 111](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\44_20201209.docx)

**A** **BILL**

TO ENACT THE “SOUTH CAROLINA CITIZENS’ DEFENSE ACT OF 2021”; TO AMEND SECTION 12-36-2120(76) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM SALES TAX, TO ADD HOME PROTECTION WEEKEND TO THE SECOND AMENDMENT WEEKEND, AND TO ADD SALES ITEMS; TO AMEND CHAPTER 1, TITLE 16 OF THE 1976 CODE, RELATING TO FELONIES AND MISDEMEANORS, BY ADDING SECTION 16-1-135, TO PROVIDE A GENERAL PENALTY FOR CRIMES AGAINST LAW ENFORCEMENT; TO AMEND SECTION 23‑31‑510 OF THE 1976 CODE, RELATING TO THE REGULATION OF OWNERSHIP, TRANSFER, OR POSSESSION OF A FIREARM OR AMMUNITION, TO PROVIDE THAT NO GOVERNING BODY MAY REGULATE THE TRANSFER, OWNERSHIP, POSSESSION, CARRYING, TRANSPORTATION, MANUFACTURE, ASSEMBLY, STORAGE, WAREHOUSING, DISTRIBUTION, OR SALE OF FIREARMS, AMMUNITION, COMPONENTS OF FIREARMS, HOMEMADE FIREARMS CREATED OR ASSEMBLED WITHOUT A SERIAL NUMBER, OR ANY COMBINATION OF THESE THINGS; TO AMEND SECTION 23-31-220 OF THE 1976 CODE, RELATING TO THE RIGHT TO ALLOW OR PERMIT CONCEALABLE WEAPONS UPON A PREMISES, TO PROVIDE THAT ANY OWNER PROHIBITING A CONCEALABLE WEAPON UPON A PREMISES IS STRICTLY LIABLE FOR ANY INJURY SUSTAINED BY A CONCEALED WEAPON PERMIT HOLDER FROM THE PERPETRATOR OF A CRIME WHILE ON THE POSTED PREMISES, AND TO PROVIDE THAT A PREMISES OWNER IS CIVILLY LIABLE TO COMPENSATE THE PERMIT HOLDER FOR DAMAGES FROM INJURIES THAT ARE SUSTAINED AND ALL ATTORNEYS’ FEES AND COSTS INCURRED IN ANY ACTION THE PERMIT HOLDER FILES AGAINST THE OWNER OR PERSON IN POSSESSION OF THE POSTED PREMISES; TO AMEND SECTION 16-23-20 OF THE 1976 CODE, RELATING TO EXCEPTIONS TO THE UNLAWFUL CARRYING OF A HANDGUN, TO PROVIDE THAT IT IS NOT UNLAWFUL FOR A PERSON EVACUATING PURSUANT TO A MANDATORY EVACUATION ORDER IN A STATE OF EMERGENCY TO CARRY ABOUT HIS PERSON ANY HANDGUN UNLESS OTHERWISE SPECIFICALLY PROHIBITED BY LAW; TO AMEND SECTION 23-31-215(P) THROUGH (U) OF THE 1976 CODE, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, TO DELETE PROVISIONS RELATED TO PERMIT RENEWALS; TO AMEND SECTION 23-31-216 OF THE 1976 CODE, RELATING TO THE COLLECTION AND RETENTION OF FEES, TO CREATE AND MAKE PROVISIONS FOR A CONFIRMED CARRY STATUS; TO AMEND SECTION 23-31-217 OF THE 1976 CODE, RELATING TO THE EFFECT OF PROVISIONS RELATING TO CONCEALED WEAPON PERMITS ON EXCEPTIONS TO THE UNLAWFUL CARRYING OF A HANDGUN, TO PROVIDE FOR THE COLLECTION OF FEES; TO AMEND SECTION 23-31-215(N) OF THE 1976 CODE, RELATING TO OUT-OF-STATE PERMIT HOLDERS CARRYING CONCEALABLE WEAPONS, TO DELETE RECIPROCITY PROVISIONS; TO AMEND ARTICLE 4, CHAPTER 31, TITLE 23 OF THE 1976 CODE, RELATING TO CONCEALED WEAPON PERMITS, BY ADDING SECTION 23-31-218, TO CREATE AND PROVIDE FOR INSTITUTIONAL CONCEALED WEAPON PERMITS; AND TO AMEND ARTICLE 3, CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO REGISTRATION AND LICENSING GENERALLY, BY ADDING SECTION 56-3-116, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER-CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER MAY HAVE AN AUTISM SPECTRUM DISORDER, ASPERGER SYNDROME, OR TOURETTE SYNDROME.

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

SECTION 1. This act must be known and may be cited as the “South Carolina Citizens’ Defense Act of 2021”.

SECTION 2. Section 12‑36‑2120(76) of the 1976 Code is amended to read:

“(76) sales of home security and surveillance systems, residential security lighting, residential security doors, door jamb reinforcement systems, residential locksmith‑grade door locks, residential window security hardware, residential glass security laminate, handguns as defined pursuant to Section 16‑23‑10(1), rifles, and shotguns during the forty‑eight hours of the Second Amendment and Home Protection Weekend. For purposes of this item, the ‘Second Amendment and Home Protection Weekend’ begins at 12:01 a.m. on the Friday after Thanksgiving and ends at twelve midnight the following Saturday. For the purposes of this item, ‘security doors’ means screen doors, storm doors, or iron entry doors that are designed and fabricated for home intrusion prevention;”

SECTION 3. Chapter 1, Title 16 of the 1976 Code is amended by adding:

“Section 16‑1‑135. Unless an offense contained in this title carries a greater penalty, a person who commits an offense against a law enforcement officer is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars and not more than ten thousand dollars, imprisoned not less than two years and not more than fifteen years, or both. Two thousand dollars of a fine and two years of a sentence imposed pursuant to the provisions of this section may not be suspended.”

SECTION 4. Section 23‑31‑510 of the 1976 Code is amended to read:

“Section 23‑31‑510. No governing body of any county, municipality, or other political subdivision in the State may enact or promulgate any regulation or ordinance that regulates or attempts to regulate:

(1) the transfer, ownership, possession, carrying, ~~or~~ transportation, manufacture, assembly, storage, warehousing, distribution, or sale of firearms, ammunition, components of firearms, homemade firearms created or assembled without a serial number, or any combination of these things; or

(2) a landowner discharging a firearm on the landowner’s property to protect the landowner’s family, employees, the general public, or the landowner’s property from animals that the landowner reasonably believes pose a direct threat or danger to the landowner’s property, people on the landowner’s property, or the general public. For purposes of this item, the landowner’s property must be a parcel of land comprised of at least twenty‑five contiguous acres. Any ordinance regulating the discharge of firearms that does not specifically provide for an exclusion pursuant to this item is unenforceable as it pertains to an incident described in this item; otherwise, the ordinance is enforceable.”

SECTION 5. 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 person in legal possession or control to allow or prohibit the carrying of a concealable weapon 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 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).

(C) Notwithstanding the provisions contained in subsections (A) and (B), a premises owner or a person in legal possession of a premises who posts a sign in compliance with this chapter that prohibits the carrying of a concealable weapon on the premises is strictly liable for any injury sustained by a concealed weapon permit holder from the perpetrator of a crime while on the posted premises. A premises owner who is subject to this provision is civilly liable to compensate the permit holder for damages from injuries that are sustained and all attorneys’ fees and costs incurred in any action the permit holder files against the owner or person in possession of the posted premises.”

SECTION 6. Section 16‑23‑20 of the 1976 Code is amended by adding:

“(17) a person who carries a concealable weapon on or about his person but does not possess a concealed weapon permit pursuant to Article 4, Chapter 31, Title 23, if in the act of evacuating during a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to Section 25‑1‑440. As used in this item, ‘the act of evacuating’ means the immediate and urgent movement of a person away from an evacuation zone within forty‑eight hours after a mandatory evacuation is ordered. The forty‑eight hours may be extended by an order issued by the Governor.”

SECTION 7. Section 23‑31‑215(P) through (U) is amended to read:

“(P) ~~Upon renewal, a~~ A permit issued pursuant to this article is valid for five years. ~~Subject to subsection (Q), SLED shall renew a currently valid permit upon:~~

~~(1)~~ ~~payment of a fifty‑dollar renewal fee by the applicant. This fee must be waived for disabled veterans and retired law enforcement officers;~~

~~(2)~~ ~~completion of the renewal application; and~~

~~(3)~~ ~~picture identification or facsimile copy thereof.~~

(Q) ~~Upon submission of the items required by subsection (P), SLED must conduct or facilitate a state and federal background check of the applicant. If the background check is favorable, SLED must renew the permit.~~

~~(R)~~ No provision contained within this article shall expand, diminish, or affect the duty of care owed by and liability accruing to, as may exist at law immediately before the effective date of this article, the owner of or individual in legal possession of real property for the injury or death of an invitee, licensee, or trespasser caused by the use or misuse by a third party of a concealable weapon. Absence of a sign prohibiting concealable weapons shall not constitute negligence or establish a lack of duty of care.

~~(S)~~(R) At least thirty days before a permit issued pursuant to this article expires, SLED shall notify the permit holder by mail or online if permitted by subsection (H) at the permit holder’s address of record that the permit is set to expire ~~along with notification of the permit holder’s opportunity to renew the permit pursuant to the provisions of subsections (P) and (Q)~~ and that the permit holder may be eligible for confirmed carry status as provided in Section 23‑31‑216.

~~(T)~~(S)(1) During the first quarter of each calendar year, SLED must publish a report of the following information regarding the previous calendar year:

~~(1)~~(a) the number of permits and former permit holders who hold confirmed carry status;

~~(2)~~(b) the number of permits that were issued;

~~(3)~~(c) the number of permit applications that were denied;

~~(4)~~(d) the number of permits that ~~were renewed~~ expired and the number of new confirmed carry status holders;

~~(5)~~(e) the number of ~~permit renewals that were denied~~ permits that expired for which the permit holder was not eligible for confirmed carry status;

~~(6)~~(f) the number of permits that were suspended or revoked; and

~~(7)~~(g) the name, address, and county of a person whose permit was revoked, including the reason for the revocation pursuant to subsection (J)(1).

(2) The report must include a breakdown of such information by county.

~~(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 8. A. Sections 23‑31‑216 and 23‑31‑217 are amended to read:

“Section 23‑31‑216. (A) ~~The State Law Enforcement Division shall collect, retain, expend, and carry forward all fees associated with the concealable weapon application, renewal, and replacement of the permit, as provided pursuant to this article.~~ At the expiration of a permit issued pursuant to Section 23‑31‑215, a permittee who would otherwise be eligible for an initial permit attains the status of confirmed carry. A person with this status may carry a concealable weapon under the same restrictions contained in Section 23‑31‑215 or as otherwise provided by law.

(B) If a law enforcement officer identifies himself as a law enforcement officer and requests identification or a driver’s license from a permit holder, then a person having confirmed carry status who is carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23 must inform the law enforcement officer of the fact that he has confirmed carry status and must present identification.

(C) The State Law Enforcement Division must maintain a list of all individuals who have confirmed carry status. The State Law Enforcement Division may release the list or verify an individual’s status only if a request is made by a law enforcement agency to aid in an official investigation, or if the list is required to be released pursuant to a subpoena or court order. The State Law Enforcement Division may charge a fee not to exceed its costs in releasing information pursuant to this subsection. Except as otherwise provided in this subsection, a person in possession of a list obtained from the State Law Enforcement Division must destroy the list.

Section 23‑31‑217. (A) Nothing in this article shall affect the provisions of Section 16‑23‑20.

(B) The State Law Enforcement Division shall collect, retain, expend, and carry forward all fees associated with a concealed weapon application and the replacement of a permit, as provided pursuant to this article.”

B. Any concealed weapon permit holder who holds a currently valid renewed permit is vested with confirmed carry status. Within ninety days of the effective date of this act, the State Law Enforcement Division shall notify all renewed permit holders of this change in status.

SECTION 9. Section 23‑31‑215(N) of the 1976 Code is amended to read:

“(N)~~(1)~~ Valid out‑of‑state permits to carry concealable weapons held by a resident of ~~a reciprocal~~ another state must be honored by this State~~, provided, that the reciprocal state requires an applicant to successfully pass a criminal background check and a course in firearm training and safety~~. A resident of ~~a reciprocal~~ another state ~~carrying a concealable weapon in South Carolina~~ with a valid out‑of‑state permit to carry a concealable weapon is subject to and must abide by the laws of South Carolina regarding concealable weapons while in South Carolina. ~~SLED shall maintain and publish a list of those states as the states with which South Carolina has reciprocity.~~

~~(2)~~ ~~Notwithstanding the reciprocity requirements of item (1), South Carolina shall automatically recognize concealed weapon permits issued by Georgia and North Carolina.~~

~~(3)~~ ~~The reciprocity provisions of this section shall not be construed to authorize the holder of any out‑of‑state permit or license to carry, in this State, any firearm or weapon other than a handgun.~~”

SECTION 10. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23‑31‑218. (A) In addition to concealed weapon permits issued pursuant to Section 23‑31‑215, the State Law Enforcement Division shall issue an institutional concealed weapon permit.

(B) In order to obtain an institutional concealed weapon permit, an individual must meet all the requirements for a concealed weapon permit contained in this article and, on an annual basis, participate in a training course held at the South Carolina Criminal Justice Academy. The State Law Enforcement Division shall promulgate regulations detailing the curriculum and requirements for the institutional concealable weapons course.

(C) Notwithstanding Section 23‑31‑215(M), a person holding an institutional concealed weapon permit shall be allowed to carry a concealable weapon into a:

(1) school or college athletic event not related to firearms;

(2) daycare facility or preschool facility;

(3) church or other established religious sanctuary; or

(4) hospital, medical clinic, doctor’s office, or any other facility where medical services or procedures are performed.”

SECTION 11. A. Article 3, Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Section 56‑3‑116. Upon the request of the vehicle registration holder, the Department of Motor Vehicles may add a notation to a private passenger‑carrying motor vehicle registration to indicate that the driver may have an autism spectrum disorder, Asperger syndrome, or Tourette syndrome. The application for this special motor vehicle registration notation is voluntary and must include an original certificate from a licensed physician, as defined in Section 40‑47‑20, that certifies that the applicant has been diagnosed with the disorder or syndrome. The diagnosis notation will only appear if a law enforcement check is run on a vehicle’s license plate through the department’s online interface with law enforcement to alert the officer that the driver may have an autism spectrum disorder, Asperger syndrome, or Tourette syndrome.”

B. This SECTION takes effect one year after approval by the Governor.

SECTION 12. Unless otherwise provided, this act takes effect upon approval by the Governor.

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