~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 20, 2013

**S. 308**

Introduced by Senators Bennett, Shealy, Grooms, Hembree, L. Martin, Massey, Campbell, Turner, Thurmond, Bryant, Verdin, S. Martin, Davis, Bright and Corbin

S. Printed 2/20/13--S.

Read the first time January 29, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 308) to amend Section 16‑23‑465 of the 1976 Code, relating to the carrying of a concealed weapon in a business that sells alcohol to be consumed on the premises, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety, and inserting:

/ SECTION 1. 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, ~~and~~ 16‑23‑460, 23-31-220, and ~~by~~ Article 1, ~~of~~ Chapter 23, ~~of~~ Title 16, a person convicted of carrying a ~~pistol or~~ 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 ~~three~~ 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.~~

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

(2) A business owner or person in legal possession or control 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 business owner or person in legal possession or control of a business may request that a person carrying a concealable weapon leave the business’s premises or request that a person carrying a concealable weapon remove the concealable weapon from the business’s premises. A person carrying a concealable weapon who refuses to leave a business’s premises when requested or refuses to remove the concealable weapon from a business’s premises when requested may be charged with a violation of subsection (A).” /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

A. SHANE MASSEY C. BRADLEY HUTTO

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Corrections

The department indicates that this bill will have a minimal impact on the General Fund of the State, which the agency can absorb at their current level of funding.

Other Agencies

The Judicial Department and the Department of Probation, Parole and Pardon Services indicate that this bill will have no fiscal impact on the General Fund of the State, or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 16‑23‑465 OF THE 1976 CODE, RELATING TO THE CARRYING OF A CONCEALED WEAPON IN A BUSINESS THAT SELLS ALCOHOL TO BE CONSUMED ON THE PREMISES, TO PERMIT THE POSSESSION OF A WEAPON UNLESS NOTICE OF A PROHIBITION IS PROVIDED BY THE BUSINESS, TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN A BUSINESS BY SOMEONE CARRYING A FIREARM, AND TO REDUCE THE PENALTIES FOR VIOLATIONS.

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

SECTION 1. Section 16‑23‑465 of the 1976 Code is amended to read:

“Section 16‑23‑465. In addition to the penalties provided for by Sections 16‑11‑330, 16‑11‑620, ~~and~~ 16‑23‑460, 23‑31‑220 and by Article 1 of Chapter 23 of Title 16, a person ~~convicted of carrying a pistol or 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 three 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~~ is guilty of a misdemeanor, and, upon conviction, must be imprisoned not more than two years or fined not more than two thousand dollars, or both, if that person:

(1) carries a firearm into a business that sells alcoholic liquor, beer, or wine for consumption on the premises and at the time of the offense, notice of the prohibition of firearms was clearly and conspicuously posted in accordance with Section 23‑31‑220;

(2) carries a firearm into a business that sells alcoholic liquor, beer, or wine for consumption on the premises and refuses to leave or to remove the firearm from the premises when asked to do so by a person legally in control of the premises; or

(3) consumes alcohol while carrying a firearm in a business that sells alcoholic liquor, beer, or wine for consumption on the premises.”

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

‑‑‑‑XX‑‑‑‑