**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 421**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Scott

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Introduced in the Senate on January 24, 2019

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

Summary: Firearms; unlawful carry on premises with alcohol consumption provide does not apply to person lawfully carrying but not consuming alcohol

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/24/2019 Senate Introduced and read first time ([Senate Journal‑page 12](file:///h:\sj\20190124.docx))

1/24/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 12](file:///h:\sj\20190124.docx))

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**VERSIONS OF THIS BILL**

[1/24/2019](file:///p:\pprever\2019-20\421_20190124.docx)

**A** **BILL**

TO AMEND SECTION 16‑23‑465, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PENALTY FOR UNLAWFULLY CARRYING A FIREARM INTO THE PREMISES OF A BUSINESS THAT SELLS ALCOHOLIC BEVERAGES FOR ON‑PREMISE CONSUMPTION, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT THIS SECTION DOES NOT APPLY TO A PERSON WHO HOLDS A CONCEALED WEAPON PERMIT WHILE CARRYING A FIREARM ONTO THE PREMISE UNDER CERTAIN CIRCUMSTANCES, TO REVISE THE PENALTIES FOR A VIOLATION OF THIS SECTION, AND TO MAKE TECHNICAL CHANGES.

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. ~~(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 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 ~~two~~ 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 for a period of five years.

~~(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’ 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 2. 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 3. This act takes effect upon approval by the Governor.

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