



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0139 Introduced on January 8, 2019
Author: Martin
Subject: South Carolina Constitutional Carry Act of 2019
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: April 10, 2019

Fiscal Impact Summary

This bill makes it lawful for a person to carry a handgun onto certain premises, unless it is specifically prohibited by state or federal law. This bill will not have an expenditure impact on the General Fund, Other Funds, or Federal Funds of the Judicial Department, the Commission on Prosecution Coordination, the Commission on Indigent Defense, or the Department of Corrections because the bill requires the organizations to perform activities that can be conducted in the normal course of agency business, and they will manage any additional expenses within their existing appropriations.

The Municipal Association of South Carolina indicates there will be no impact beyond ensuring no weapons signs are posted on all government buildings, which can be managed using existing resources.

Explanation of Fiscal Impact

Introduced on January 8, 2019

State Expenditure

This bill enacts the South Carolina Constitutional Carry Act of 2017, which makes it lawful for a person to carry any concealed or unconcealed handgun, provided the person is not otherwise prohibited from owning, carrying, or purchasing a firearm as provided for by state or federal law. This bill provides carrying exceptions for those working in a law enforcement or legal capacity, and it establishes carrying location exceptions, such as schools, medical facilities, and courthouses. This bill clarifies which individuals are permitted to carry weapons onto certain premises. Furthermore, under current law, if an individual carries a weapon onto a prohibited site, they will be subject to a fine, imprisonment, or both dependent on the specific type of premises. Based on the premises these penalties range up to \$5,000 and the length of incarceration upon conviction ranges up to 5 years.

The bill makes conforming changes by deleting references to the word concealed as it relates to a firearm, and replaces the term weapon with the term firearm. It also makes it lawful to securely store a firearm in a vehicle on the premises of a public school, college, university, technical college, or other post-secondary institution. Further, the bill allows a person to carry a firearm onto the premises of a business selling alcohol for consumption, provided the person does not consume alcohol while on the premises.

The bill also deletes the requirement that a concealed weapons permit holder have his permit on his person when he is carrying his firearm and provides that a concealed weapons permit holder must immediately report the loss or theft of his permit identification card to the State Law Enforcement Division. Violations of this provision constitute a misdemeanor offense carrying a penalty of a \$25 fine.

Judicial Department. This bill makes it lawful for the legal owner of a gun to carry it openly or in a concealed manner, with some exceptions. Should the bill result in an increase in the number of additional hearings or trials held in circuit court, it may lead to an increased backlog for the court as a whole. However, the department expects to manage any additional costs associated with an increase in caseloads within current resources.

Commission on Prosecution Coordination. The agency indicates this bill is not expected to materially alter the number of prosecutions brought by solicitors. The implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

Commission on Indigent Defense. The agency indicates this bill is not expected to materially alter the number of legal representations for indigent defendants. The implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

Department of Corrections. The bill, which enacts the South Carolina Constitutional Carry Act of 2017, makes it lawful for a legal handgun owner to carry a handgun in the state in all locations except where firearms are prohibited and establishes penalties for gun law violations. The act removes many restrictions relating to the carrying of a handgun currently provided for in state law related to concealed weapons permit holders. While there is no data available to determine how many additional offenders may be incarcerated in South Carolina Department of Corrections (SCDC) facilities due to the bill, SCDC does not expect the bill to add a significant number of inmates to its population.

State Revenue

N/A

Local Expenditure

The Revenue and Fiscal Affairs Office (RFA) contacted twenty-three county governments and the Municipal Association of South Carolina (MASC) regarding the expenditure impact of this bill. RFA received zero responses from the counties and the MASC indicates there will be no impact beyond ensuring no weapons signs are posted on all government buildings, which can be managed using existing resources. Therefore, this bill would have no expenditure impact on local governments.

Local Revenue

N/A



Frank A. Rainwater, Executive Director