**South Carolina General Assembly**

124th Session, 2021-2022

**A66, R82, H3094**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. B. Cox, White, Lucas, Burns, Jones, Allison, Caskey, Chumley, Collins, Crawford, Daning, Davis, Elliott, Erickson, Felder, Forrest, Fry, Gagnon, Gatch, Gilliam, Haddon, Hardee, Hewitt, Hiott, Hixon, Huggins, Jordan, Kimmons, Ligon, Long, Magnuson, McCravy, Morgan, Murphy, B. Newton, W. Newton, Nutt, Oremus, Pope, Sandifer, Simrill, G.M. Smith, G.R. Smith, M.M. Smith, Stringer, Taylor, Thayer, Trantham, West, Whitmire, Willis, Wooten, Yow, McGarry, Bryant, V.S. Moss, McCabe, Hosey, T. Moore, W. Cox, Bailey, Lowe, Atkinson, J.E. Johnson, Brittain, Bennett, Hyde, McGinnis, Martin and Bradley

Document Path: l:\council\bills\gt\5858cm21.docx

Companion/Similar bill(s): 589

Introduced in the House on January 12, 2021

Introduced in the Senate on March 23, 2021

Last Amended on May 6, 2021

Passed by the General Assembly on May 12, 2021

Governor's Action: May 17, 2021, Signed

Summary: Open Carry with Training Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

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

1/12/2021 House Introduced and read first time ([House Journal‑page 68](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 68](file:///h:\hj\20210112.docx))

1/13/2021 House Member(s) request name added as sponsor: T.Moore

1/27/2021 House Member(s) request name added as sponsor: W.Cox, Bailey, Lowe, Atkinson, J.E.Johnson, Brittain

1/28/2021 House Member(s) request name added as sponsor: Bennett

2/10/2021 House Member(s) request name added as sponsor: Hyde

2/18/2021 House Member(s) request name removed as sponsor: Robinson

2/23/2021 House Member(s) request name added as sponsor: McGinnis

3/3/2021 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 37](file:///h:\hj\20210303.docx))

3/4/2021 House Member(s) request name added as sponsor: Martin

3/4/2021 Scrivener's error corrected

3/9/2021 House Requests for debate‑Rep(s).  B Cox, Magnuson, B Newton, McGarry, May, Dabney, Blackwell, Hixon, Hiott, Huggins, Matthews, Martin, GR Smith, Jones, Taylor, Forrest, Allison, Trantham, VS Moss, Bennett, Nutt, Pendarvis, Henegan, Kirby, Hart, Garvin, R Williams, Jefferson, JL Johnson, Hosey, Thigpen, Hewitt, Weeks, Henderson‑Myers, Tedder, Govan, McDaniel, Gatch, Brawley, Morgan ([House Journal‑page 16](file:///h:\hj\20210309.docx))

3/17/2021 House Member(s) request name added as sponsor: Bradley

3/17/2021 House Amended ([House Journal‑page 33](file:///h:\hj\20210317.docx))

3/17/2021 House Read second time ([House Journal‑page 33](file:///h:\hj\20210317.docx))

3/17/2021 House Roll call Yeas‑82 Nays‑33 ([House Journal‑page 72](file:///h:\hj\20210317.docx))

3/18/2021 Scrivener's error corrected

3/18/2021 House Amended

3/18/2021 House Read third time and sent to Senate

3/18/2021 House Roll call Yeas‑73 Nays‑26

3/23/2021 Senate Introduced and read first time

3/23/2021 Senate Referred to Committee on **Judiciary**

4/20/2021 Senate Referred to Subcommittee: Young (ch), Malloy, Massey, Kimpson, Garrett

4/29/2021 Senate Recalled from Committee on **Judiciary** ([Senate Journal‑page 35](file:///h:\sj\20210429.docx))

4/29/2021 Senate Roll call Ayes‑27 Nays‑12 ([Senate Journal‑page 35](file:///h:\sj\20210429.docx))

4/29/2021 Senate Special order, set for April 29, 2021 ([Senate Journal‑page 37](file:///h:\sj\20210429.docx))

4/29/2021 Senate Roll call Ayes‑28 Nays‑12 ([Senate Journal‑page 37](file:///h:\sj\20210429.docx))

5/4/2021 Senate Debate interrupted ([Senate Journal‑page 40](file:///h:\sj\20210504.docx))

5/5/2021 Senate Amended ([Senate Journal‑page 34](file:///h:\sj\20210505.docx))

5/5/2021 Senate Read second time ([Senate Journal‑page 34](file:///h:\sj\20210505.docx))

5/6/2021 Scrivener's error corrected

5/6/2021 Senate Amended ([Senate Journal‑page 66](file:///h:\sj\20210506.docx))

5/6/2021 Senate Read third time and returned to House with amendments ([Senate Journal‑page 66](file:///h:\sj\20210506.docx))

5/6/2021 Senate Roll call Ayes‑28 Nays‑16 ([Senate Journal‑page 66](file:///h:\sj\20210506.docx))

5/7/2021 Scrivener's error corrected

5/12/2021 House Concurred in Senate amendment and enrolled ([House Journal‑page 10](file:///h:\hj\20210512.docx))

5/12/2021 House Roll call Yeas‑83 Nays‑34 ([House Journal‑page 23](file:///h:\hj\20210512.docx))

5/13/2021 Ratified R 82

5/17/2021 Signed By Governor

6/1/2021 Effective date 08/15/21

6/1/2021 Act No.  66

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**VERSIONS OF THIS BILL**

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[5/7/2021](file:///p:\pprever\2021-22\3094_20210507.docx)

(A66, R82, H3094)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “OPEN CARRY WITH TRAINING ACT”; TO AMEND SECTION 23‑31‑210, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO REVISE THE DEFINITION OF THE TERM “CONCEALABLE WEAPON” TO INCLUDE CERTAIN FIREARMS THAT MAY BE CARRIED OPENLY ON ONE’S PERSON; TO AMEND SECTION 16‑23‑20, RELATING TO THE CARRYING OF A HANDGUN, SO AS TO PROVIDE A PERSON WHO POSSESSES A CONCEALED WEAPON PERMIT MAY CARRY IT OPENLY ON OR ABOUT HIS PERSON IN A VEHICLE; TO AMEND SECTION 23‑31‑220, RELATING TO THE RIGHT OF AN EMPLOYER TO PROHIBIT A PERSON FROM CARRYING A CONCEALABLE WEAPON ON HIS PREMISE, SO AS TO PROVIDE THIS PROVISION ALSO APPLIES TO OPENLY CARRYING A WEAPON ONTO THE PREMISE AND PROVIDE AN EMPLOYER OR OWNER OF A BUSINESS MAY POST A SIGN REGARDING THE PROHIBITION OR ALLOWANCE OF CONCEALABLE WEAPONS ON HIS PREMISE; TO AMEND SECTION 23‑31‑235, RELATING TO THE POSTING OF SIGNS PROHIBITING THE CARRYING OF CONCEALABLE WEAPONS UPON A PREMISE, SO AS TO PROVIDE THIS PROVISION ALSO APPLIES TO OPENLY CARRYING A CONCEALED WEAPON ON A PREMISE AND PROVIDE AN EMPLOYER OR OWNER OF A BUSINESS MAY POST A SIGN REGARDING THE PROHIBITION OR ALLOWANCE OF CONCEALABLE WEAPONS ON HIS PREMISE; TO AMEND SECTION 23‑31‑210, RELATING TO THE DEFINITION OF CERTAIN TERMS RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO REVISE THE DEFINITION OF THE TERM “PROOF OF TRAINING”; BY ADDING SECTION 23‑21‑232 SO AS TO PROVIDE A CHURCH OFFICIAL OR GOVERNING BODY MAY ALLOW A PERSON WHO HOLDS A PERMIT TO CARRY A CONCEALABLE WEAPON TO CARRY THE WEAPON CONCEALED OR OPENLY ON PREMISES OF CERTAIN SCHOOLS LEASED BY THE CHURCH FOR CHURCH SERVICES OR OFFICIAL CHURCH ACTIVITIES UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 23‑31‑520, RELATING TO A LOCAL GOVERNMENT’S AUTHORITY TO REGULATE THE DISCHARGE OR PUBLIC BRANDISHMENT OF FIREARMS AND THE PROHIBITION IMPOSED UPON A LOCAL GOVERNMENT TO CONFISCATE CERTAIN FIREARMS AND AMMUNITION, SO AS TO ALLOW A LOCAL GOVERNMENT TO TEMPORARILY RESTRICT OPEN CARRYING OF A FIREARM ON PUBLIC PROPERTY DURING CERTAIN EVENTS AND PROVIDE THE CIRCUMSTANCES WHEN OPEN CARRYING OF A FIREARM IS PERMITTED AT THESE EVENTS; BY ADDING SECTION 23‑31‑250 SO AS TO PROVIDE THE STATE AND ITS POLITICAL SUBDIVISIONS CANNOT BE COMPELLED BY THE FEDERAL GOVERNMENT TO IMPLEMENT OR ENFORCE A LAW RELATED TO AN INDIVIDUAL’S RIGHT TO KEEP AND BEAR ARMS THAT LIMITS OR PROSCRIBES CARRYING CONCEALABLE WEAPONS UNDER CERTAIN CIRCUMSTANCES, TO DIRECT THE ATTORNEY GENERAL TO EVALUATE THESE LAWS AND ISSUE A WRITTEN OPINION OF WHETHER THE LAWS ARE PROHIBITED, AND PROVIDE ACTIONS TO BE TAKEN BY THE STATE AND ITS POLITICAL SUBDIVISIONS IF THE ATTORNEY GENERAL DETERMINES THE LAW VIOLATES THIS PROVISION; TO AMEND SECTION 14‑17‑325, RELATING TO THE CLERKS OF COURT REPORTING THE DISPOSITION OF COURT OF GENERAL SESSIONS CASES TO THE STATE LAW ENFORCEMENT DIVISION, SO AS TO SHORTEN THE REPORTING PERIOD, TO PROVIDE CLERKS OF COURT ALSO SHALL REPORT THE ISSUANCE, RESCISSION, OR TERMINATION OF CERTAIN INDICTMENTS AND ORDERS, AND TO MAKE TECHNICAL CHANGES; BY ADDING SECTION 22‑1‑200 SO AS TO REQUIRE MAGISTRATES TO REPORT TO THE STATE LAW ENFORCEMENT DIVISION WITHIN FIVE DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE DISPOSITION OF EACH CRIMINAL CASE AND REPORT TO THE DIVISION THE ISSUANCE, RESCISSION, OR TERMINATION OF CERTAIN ORDERS; BY ADDING SECTION 14‑25‑250 SO AS TO PROVIDE MUNICIPAL JUDGES SHALL REPORT THE DISPOSITION OF EACH CRIMINAL CASE TO THE STATE LAW ENFORCEMENT DIVISION WITHIN FIVE DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE ISSUANCE, RESCISSION, OR TERMINATION OF CERTAIN ORDERS; BY ADDING SECTION 63‑3‑545 SO AS TO PROVIDE CLERKS OF FAMILY COURT SHALL REPORT TO THE STATE LAW ENFORCEMENT DIVISION WITHIN FIVE DAYS, WEEKENDS AND HOLIDAYS EXCLUDED, THE ISSUANCE, RESCISSION, OR TERMINATION OF CERTAIN ORDERS; TO AMEND SECTION 23‑31‑240, RELATING TO CERTAIN PUBLIC OFFICIALS WHO ARE ALLOWED TO CARRY A CONCEALED WEAPON WHILE ON DUTY, SO AS TO DELETE THE PROVISION THAT RESTRICTS THE CARRYING OF THE WEAPON WHEN THE OFFICIAL IS CARRYING OUT THE DUTIES OF HIS OFFICE AND ADD THE ATTORNEY GENERAL AND ASSISTANT ATTORNEYS GENERAL TO THE OFFICIALS COVERED BY THIS PROVISION; AND TO AMEND SECTION 23‑31‑215, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO ELIMINATE THE PAYMENT OF AN APPLICATION FEE, AND THE STATE LAW ENFORCEMENT HANDGUN TRAINING COURSE FEE, AND PROVIDE THE DIVISION MAY NOT CHARGE A FEE FOR A CONCEALED WEAPON PERMIT.**

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

**Open Carry with Training Act**

SECTION 1. This act may be cited as the “Open Carry With Training Act”.

**Definitions**

SECTION 2. Section 23‑31‑210(5) of the 1976 Code is amended to read:

“(5) ‘Concealable weapon’ means a firearm having a length of less than twelve inches measured along its greatest dimension that may be carried openly on one’s person or in a manner that is hidden from public view in normal wear of clothing except when needed for self defense, defense of others, and the protection of real or personal property.”

**Open carrying of weapons**

SECTION 3. Section 16‑23‑20(9) of the 1976 Code is amended to read:

“(9) a person in a vehicle if the handgun is:

(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver’s license, registration, or proof of insurance. If the person has been issued a concealed weapon permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle’s passenger compartment; or

(b) carried openly or concealed on or about his person, and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;”

**Open carrying of weapons**

SECTION 4. 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, whether concealed or openly carried, 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, whether concealed or openly carried, 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, whether concealed or openly carried, not be brought upon the premises or into the work place. A person who brings a concealable weapon, whether concealed or openly carried, 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) In addition to the provisions of subsection (B), a public or private employer or the owner of a business may post a sign regarding the prohibition or allowance on those premises of concealable weapons, whether concealed or openly carried, which may be unique to that business.”

**Open carrying of weapons**

SECTION 5. Section 23‑31‑235 of the 1976 Code is amended to read:

“Section 23‑31‑235. (A) Notwithstanding any other provision of this article, any requirement of or allowance for the posting of signs prohibiting the carrying of a concealable weapon, whether concealed or openly carried, upon any premises shall only be satisfied by a sign expressing the prohibition in both written language interdict and universal sign language.

(B) All signs must be posted at each entrance into a building where a concealable weapon permit holder is prohibited from carrying a concealable weapon, whether concealed or openly carried, and must be:

(1) clearly visible from outside the building;

(2) eight inches wide by twelve inches tall in size;

(3) contain the words ‘NO CONCEALABLE WEAPONS ALLOWED’ in black one‑inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

(4) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty‑five degree angle from the horizontal;

(5) a diameter of a circle; and

(6) placed not less than forty inches and not more than sixty inches from the bottom of the building’s entrance door.

(C) If the premises where concealable weapons are prohibited does not have doors, then the signs contained in subsection (A) must be:

(1) thirty‑six inches wide by forty‑eight inches tall in size;

(2) contain the words ‘NO CONCEALABLE WEAPONS ALLOWED’ in black three‑inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

(3) contain a black silhouette of a handgun inside a circle thirty‑four inches in diameter with a diagonal line that is two inches wide and runs from the lower left to the upper right at a forty‑five degree angle from the horizontal and must be a diameter of a circle whose circumference is two-inches wide;

(4) placed not less than forty inches and not more than ninety‑six inches above the ground;

(5) posted in sufficient quantities to be clearly visible from any point of entry onto the premises.

(D) Nothing in this section prevents a public or private employer or owner of a business from posting a sign regarding the prohibition or allowance on those premises of concealable weapons, whether concealed or openly carried, which may be unique to that business.”

**Handgun education course**

SECTION 6. Section 23‑31‑210(4)(a) of the 1976 Code is amended to read:

“(a) a person who, within three years before filing an application, successfully has completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety. This education course must include, but is not limited to:

(i) information on the statutory and case law of this State relating to handguns and to the use of deadly force;

(ii) information on handgun use and safety;

(iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child;

(iv) the actual firing of the handgun in the presence of the instructor, provided that a minimum of twenty‑five rounds must be fired;

(v) properly securing a firearm in a holster;

(vi) ‘cocked and locked’ carrying of a firearm;

(vii) how to respond to a person who attempts to take your firearm from your holster; and

(viii) deescalation techniques and strategies.”

**Church services**

SECTION 7. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23‑31‑232. (A) Notwithstanding any other provision of law, upon express permission given by the appropriate church official or governing body, a person who holds a valid permit issued pursuant to this article may carry a concealable weapon, whether concealed or openly carried, on the leased premises of an elementary or secondary school if a church leases the school premises or areas within the school for church services or official church activities.

(1) The provisions contained in this section apply:

(a) only during those times that the church has the use and enjoyment of the school property pursuant to its lease with the school; and

(b) only to the areas of the school within the lease agreement, any related parking areas, or any reasonable ingress or egress between these areas.

(2) A school district may request that a church utilizing school property for its services disclose and notify the school district if persons are, or may be, carrying concealed weapons on the school property.

(3) The provisions of this section do not apply during any time students are present as a result of a curricular or extracurricular school‑sponsored activity that is taking place on the school property.

(B) For the purposes of the Federal Gun‑Free School Zone Act (18 U.S.C. Section 921(a)), the buildings and grounds of a school that are leased to a church are not considered a school during the hours that the church has the use and enjoyment of the school property pursuant to this section.”

**Open carrying of weapons**

SECTION 8. Section 23‑31‑520 of the 1976 Code is amended to read:

“Section 23‑31‑520. (A) Notwithstanding another provision of law, a governing body of a county, municipality, or political subdivision may temporarily restrict the otherwise lawful open carrying of a firearm on public property when a governing body issues a permit to allow a public protest, rally, fair, parade, festival, or other organized event. However, if a permit is not applied for and issued prior to an event as described in this subsection, a county, municipality, or political subdivision may not exercise the provisions of this subsection. A person or entity hosting a public protest, rally, fair, parade, festival, or other organized event must post signs at the event when open carrying is allowed or not allowed at the event.

(B) A governing body exercising the authority granted to it pursuant to this section must be specific in the area, duration, and manner in which the restriction is imposed and must provide prior notice of the restriction when feasible. In no event may the restriction extend beyond the beginning and conclusion of the event or beyond the location of the event. The duration of an event may not be scheduled for such a length of time as to frustrate the intent of this section.

(C) A county, municipality, or political subdivision may not confiscate a firearm or ammunition for a violation of this section unless incident to an otherwise lawful arrest.”

**Concealed and open carrying of weapons**

SECTION 9. A. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23‑31‑250. (A) The State of South Carolina, and its political subdivisions, cannot be compelled by the federal government to take any legislative or executive action to implement or enforce a federal law, treaty, executive order, rule, or regulation related to an individual’s right to keep and bear arms enshrined in the Second Amendment to the United States Constitution that limits or proscribes carrying concealable weapons, whether concealed or openly carried, as provided in this chapter.

(B) Any federal law, treaty, executive order, rule, or regulation related to limiting or proscribing the carry of concealable weapons must be evaluated by the Attorney General. The Attorney General shall issue a written opinion of whether the law, treaty, executive order, rule, or regulation purports to compel legislative or executive action prohibited pursuant to subsection (A).

(C) If the Attorney General renders an opinion that a federal law, treaty, executive order, rule, or regulation purports to compel legislative or executive action prohibited pursuant to subsection (A), then:

(1) no public funds of this State, or any political subdivision of this State, shall be allocated for the implementation or enforcement of that federal law, treaty, executive order, rule, or regulation;

(2) no personnel or property of this State, or any political subdivision of this State, shall be allocated to the implementation or enforcement of that federal law, treaty, executive order, rule, or regulation; and

(3) no official, agent, or employee of the State of South Carolina, or any political subdivision of it, shall implement, attempt to implement, enforce, or attempt to enforce that federal law, treaty, executive order, rule, or regulation.”

B. This SECTION takes effect upon approval by the Governor.

**Disposition of cases**

SECTION 10. A. Section 14‑17‑325 of the 1976 Code is amended to read:

“Section 14‑17‑325. (A) Every clerk of court shall report the disposition of each case in the Court of General Sessions to the State Law Enforcement Division within five days of disposition, weekends and holidays excluded.

(B) Every clerk of court shall also report to the State Law Enforcement Division, within five days, the issuance, rescission, or termination of any:

(1) criminal indictments;

(2) permanent restraining orders;

(3) orders of state firearms prohibition pursuant to Section 16‑25‑30; and

(4) other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate judge. For any orders, the Court Administration must provide the form.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.”

B. Chapter 1, Title 22 of the 1976 Code is amended by adding:

“Section 22‑1‑200. (A) Magistrates shall report the disposition of each criminal case to the State Law Enforcement Division within five days, weekends and holidays excluded.

(B) Magistrates shall also report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

(1) restraining orders and emergency restraining orders;

(2) magistrate court orders of protection from domestic abuse act orders;

(3) orders of state firearms prohibition pursuant to Section 16‑25‑30; and

(4) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate magistrate. For any form orders provided by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the magistrate may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.”

C. Article 1, Chapter 25, Title 14 of the 1976 Code is amended by adding:

“Section 14‑25‑250. (A) Each municipal judge shall report the disposition of each criminal case to the State Law Enforcement Division within five days, weekends and holidays excluded.

(B) A municipal judge shall also report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

(1) restraining orders and emergency restraining orders;

(2) municipal court orders of protection from domestic abuse act orders;

(3) orders of state firearms prohibition pursuant to Section 16‑25‑30; and

(4) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate judge. For any form orders provided by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the judge may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.”

D. Article 5, Chapter 3, Title 63 of the 1976 Code is amended by adding:

“Section 63‑3‑545. (A) The clerk of the family court shall report to the State Law Enforcement Division, within five days, weekends and holidays excluded, the issuance, rescission, or termination of any:

(1) permanent restraining orders;

(2) family court orders of protection from domestic abuse act orders; or

(3) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, including any and all orders referenced in Section 16‑25‑30, but only upon being directed to transmit such orders by the appropriate judge. For any form orders provided by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the judge may select when appropriate to order the clerk to transmit the appropriate information to SLED.

(B) The reporting required by this section must be made in a format approved by the State Law Enforcement Division and Court Administration.”

E. The provisions of this SECTION take effect October 1, 2021.

**Concealable weapons**

SECTION 11. Section 23‑31‑240 of the 1976 Code is amended to read:

“Section 23‑31‑240. Notwithstanding any other provision contained in this article, the following persons who possess a valid permit pursuant to this article may carry a concealable weapon anywhere within this State:

(1) active Supreme Court justices;

(2) active judges of the court of appeals;

(3) active circuit court judges;

(4) active family court judges;

(5) active masters‑in‑equity;

(6) active probate court judges;

(7) active magistrates;

(8) active municipal court judges;

(9) active federal judges;

(10) active administrative law judges;

(11) active solicitors and assistant solicitors;

(12) active workers’ compensation commissioners; and

(13) the Attorney General and assistant attorneys general.”

**Concealable weapon permit**

SECTION 12. A. Section 23‑31‑215(A)(5), (6), and (7) of the 1976 Code is amended to read:

“(5) proof of training; and

(6) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant’s fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.”

B. Section 23‑31‑215(C) of the 1976 Code is amended to read:

“(C) SLED shall issue a written statement to an unqualified applicant specifying its reasons for denying the application within ninety days from the date the application was received; otherwise, SLED shall issue a concealable weapon permit. If an applicant is unable to comply with the provisions of Section 23‑31‑210(4), SLED shall offer the applicant a handgun training course that satisfies the requirements of Section 23‑31‑210(4). SLED may not charge a fee of any kind for a concealable weapon permit. If a permit is granted by operation of law because an applicant was not notified of a denial within the ninety‑day notification period, the permit may be revoked upon written notification from SLED that sufficient grounds exist for revocation or initial denial.”

**Severability clause**

SECTION 13. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**Time effective**

SECTION 14. This act takes effect ninety days after approval by the Governor.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

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