



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
(803)734-3780 • RFA.SC.GOV/IMPACTS

This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 3094 Introduced on January 12, 2021
Author: Cox
Subject: Open Carry With Training Act
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: April 29, 2021

Fiscal Impact Summary

The Judicial Department and Department of Public Safety report that the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

The State Law Enforcement Division indicates the bill requires the agency to provide a public awareness campaign (to include making structural changes with instructors, updating the student/instructor checklist, and developing signage), as the agency is responsible for approving all of the training curricula for concealed weapon permit instructions. The public awareness campaign will incur a General Fund expenditure impact, which is undetermined.

This bill may increase expenditures for certain state and local government agencies due to increases in call volumes for law enforcement and related costs due to the complexity of enforcing this policy, but the amount of the increase is undetermined.

Explanation of Fiscal Impact

Introduced on January 12, 2021

State Expenditure

This bill creates the “Open Carry With Training Act,” which modifies the definition of concealable weapon to mean a firearm of specific dimensions which may now be carried openly on one’s person and enables the lawful open carry of a handgun in a vehicle when the person has a valid concealed weapon permit. The bill also adds the terms open carry and open carrying to provisions related to the right of persons to allow or permit concealed weapons upon premises and to provisions involving signage related to concealable weapons. In addition, it enables a public or private employer or owner of a business to post a sign prohibiting or allowing concealable weapons or the open carry of weapons that may be unique to that business. Further, the bill requires that handgun education courses include in their curricula training on how to properly secure a firearm in a holster, proper ‘cocked and locked’ carrying of a firearm, how to respond to a person attempting to take one’s firearm from his holster, and de-escalation techniques and strategies.

The bill also establishes new provisions that enable a person who holds a valid concealed weapon permit to lawfully carry a firearm onto the premises of an elementary or secondary

school when a church is leasing the premises or areas within the school and church is in session. This does not apply in instances where students are present on the school property for curricular or extra-curricular school-sponsored activities.

The bill also enables a local government or political subdivision to temporarily restrict the otherwise lawful open carry of a firearm on public property when that entity issues a permit to allow a public protest or other organized event; the entity may not confiscate a firearm or ammunition for a violation unless incident to an otherwise lawful arrest. Any person or entity hosting a public protest or other organized event must post signs at the event to indicate whether or not open carry is allowed.

Judicial Department. This bill enacts the “Open Carry With Training Act,” which amends offenses of unlawful carrying of a pistol and carrying a concealable weapon on posted places. The department indicates that the bill will likely decrease caseloads in general sessions courts. However, as there is no data available regarding the specific offense changes, the number of filings, hearings, or trials which may be impacted is unknown. In FY 2019-20, there were 5,110 total filings for the unlawful carrying of a pistol, but not all of these filings would be impacted under the provisions of the bill. As such, the department expects to manage any expenditure impact of the bill using existing General Fund resources.

State Law Enforcement Division. This bill requires that handgun education courses include in their curricula training on how to properly secure a firearm in a holster, proper ‘cocked and locked’ carrying of a firearm, how to respond to a person attempting to take one’s firearm from his holster, and de-escalation techniques and strategies. Should the legislation pass, the State Law Enforcement Division (SLED) will need to provide a public awareness campaign (to include making structural changes with instructors, updating the student/instructor checklist, and developing signage), as the agency is responsible for approving all of the training curricula for concealed weapon permit instructions. The public awareness campaign will incur a General Fund expenditure impact, which is undetermined. The agency does not charge nor receive any portion of fees collected by concealed weapon permit instructors and only receives concealed weapon permit application and renewal fees.

Department of Public Safety. The department indicates that the activities required by the bill can be completed with existing staff and resources. As a result, this bill does not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure

The Municipal Association of South Carolina and local governments were contacted about the potential expenditure impact of the bill. The Municipal Association provided a response that indicated the bill will have an anticipated expenditure impact on cities in the state from increases in call volumes for law enforcement due to the visible presence of firearms in public and private settings, increases in insurance claims from cities who defend against lawsuits arising out of the

increase in law enforcement encounters with people who are visibly armed, and increases in costs to review applications and then monitor for compliance for public events in cities where firearms may or may not be allowed. However, due to lack of existing data on the implementation of such policies, the amount of the expenditure impact cannot be determined.

Local Revenue

N/A



Frank A. Rainwater, Executive Director