



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*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.*

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<b>Bill Number:</b>	H. 3096	Introduced on January 12, 2021
<b>Author:</b>	Cox	
<b>Subject:</b>	South Carolina Constitutional Carry Act of 2021	
<b>Requestor:</b>	House Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	April 7, 2021	

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### **Fiscal Impact Summary**

This bill creates the South Carolina Constitutional Carry Act of 2021, which removes the requirement that a person possess a concealed weapon permit in order to carry or store a firearm in certain locations.

The Judicial Department and Department of Public Safety and the State Law Enforcement Division report this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds because the agencies will administer policies resulting from the bill with the use of existing staff and resources.

### **Explanation of Fiscal Impact**

#### **Introduced on January 12, 2021**

##### **State Expenditure**

This bill creates the “South Carolina Constitutional Carry Act of 2021,” which makes a number of changes related to the lawful carry of a firearm in South Carolina.

Currently, it is unlawful for any person or group of persons to carry or have readily accessible upon the capitol grounds or within the capitol building any firearm or dangerous weapon. The bill provides that a person who possesses a firearm and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds may store the firearm within his locked vehicle.

The bill also makes it unlawful, whether or not the person has a concealed weapon permit, for anyone to carry a firearm, whether concealed or not, unless otherwise specifically by law into a law enforcement facility, correctional or detention center, courthouse, polling place on election day, city or county office building, school or college athletic event, daycare facility, church or religious sanctuary, medical center, residence or dwelling of another person, or a place with a sign prohibiting the carrying of a firearm. These provisions do not apply to regular or reserve state or federal law enforcement officers (including deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources and retired commissioned law enforcement officers), employees of law enforcement or correctional facilities, members of the armed forces, qualified retired law enforcement officers, specified

active members of the judicial system, or a person given permission to carry a firearm by the property owner or person in control of the premises or his agent. The bill exempts from the levy of a civil penalty violations where a person unlawfully carries a firearm on a property when he does not have express permission from the owner or agent.

Additionally, the bill changes references to the word weapon to firearm and removes the requirement that a person possess a concealed weapon permit in order to lawfully:

- Securely store a firearm inside a locked vehicle parked on the premises of public or private school, college, university, technical college, other post-secondary institution, or while traveling on state roadways running through or adjacent to such premises;
- Store a weapon inside the glove compartment, the closed console, the closed trunk, or any closed container an attended or locked motor vehicle while on the premises of any elementary or secondary school; and
- Carry a firearm onto the premises of a business selling alcoholic beverages, provided that the person does not consume such beverages.

Further, the bill requires that a person who has lost his concealed weapon permit identification card or had his card stolen to report the loss within 48 hours of the time the holder became aware of the loss. A person who fails to do so is subject to prosecution and may incur a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and he may have his permit revoked for up to five years.

The bill also authorizes a public or private employer to either allow or disallow the carry of firearms onto the premises of the business.

**Judicial Department.**

The bill enacts the “SC Constitutional Carry Act of 2021,” which amends the offenses of carrying or discharging a firearm on Capitol grounds or buildings, unlawful carrying of a pistol, carrying or displaying firearms in public buildings or adjacent areas, carrying weapons on school property, unlawful consumption of alcohol while carrying a concealed weapon, concealable weapon permit not in possession or failure to report loss or theft, carrying concealable weapon on posted places, carrying concealable weapon into certain restricted places, and additional penalty for gun on premise where alcohol is sold. It also repeals the offenses of carrying a concealed weapon and carrying concealed weapon into residence/dwelling without permission of owner.

CDR code-Description	Total Filings in FY 19-20
0043-Carry concealed weapon, not a pistol (e.g., dirk, metal knuckles, etc.)	23
0044-Unlawful carrying of pistol	5,110
0300-Carrying or displaying firearms in public buildings or adjacent areas	36
0543-Carrying concealable weapon on posted places	0
0615-Carrying weapons on school property	38
1104-Carrying or discharging firearm or explosive on Capitol grounds or buildings	1

CDR code-Description (continued)	Total Filings in FY 19-20
2007-Unlawful act in State park	17
2504-Concealable weapon permit not in possession, failure to report loss or theft	2
2505-Carrying concealable weapon into certain restricted places	1
2507-Carrying concealed weapon into residence/dwelling without permission of owner	1
3757-Unlawful consumption of alcohol while carrying concealed weapon	1

This bill would likely decrease the General Sessions, magistrate, and municipal courts caseloads; however, there is no data available regarding the specific offense changes so as to estimate the number of filings, hearings, or trials that would be impacted as a result of the proposed legislation. The data the Judicial Branch can provide would be total filings, however, some of the above filings would not be impacted by the proposed legislation. It is anticipated that these changes will have minimum impact on the Judicial Branch and will be absorbed by the General Fund.

**State Law Enforcement Agency.** The department reports this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Department of Public Safety.** The department reports this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Local Expenditure**

N/A

**State Revenue**

N/A

**Local Revenue**

N/A

Frank A. Rainwater, Executive Director