



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.

Bill Number:	S. 0032	Introduced on January 12, 2021
Author:	Grooms	
Subject:	South Carolina Constitutional Carry Act of 2021	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	February 22, 2021	

Fiscal Impact Summary

This bill enacts the “South Carolina Constitutional Carry Act of 2021,” which amends a number of offenses involving concealed weapons by removing the requirement that a person have a concealed weapons permit in certain situations and allowing certain active members of the judicial system to carry concealed weapons without a permit.

The Judicial Department reports that as the bill removes a number of offenses related to concealed weapons, there will likely be a decrease in general sessions, magistrate, and municipal court caseloads. The department expects that any expenditure impact will be minimal and can be managed with existing General Fund resources.

The 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.

The bill specifies that a person would no longer need to have a concealed weapons permit to possess a firearm under the following circumstances when he otherwise lawfully possesses such weapon: he is parking on the capitol grounds or in the parking garage below the capitol ground and is storing the weapon in his vehicle; he stores his handgun beneath the seat of his vehicle, in any open or closed storage compartment within the vehicle’s passenger compartment, or on or about his person; and he is the owner or person in legal possession of a fixed place of business or is an employee who has permission from the owner or person in legal possession while on the premises of the business.

The bill also specifies that a person who is a South Carolina resident or non-resident can lawfully carry a firearm unless otherwise prohibited under state law. Additionally, the bill provides that a person needs permission from an authorized source to carry a handgun in certain places where such practice would typically be prohibited. Further, the bill makes it lawful for a person to possess a firearm—regardless of whether he has a concealed weapons permit—while he is upon the premises of a public or private educational institution (including an elementary or secondary school) when the weapon is properly secured in an attended or locked vehicle, as well as when he is upon the property or buildings that comprise an interstate rest area.

The bill also makes it lawful for a person to carry a concealable weapon usually used for the infliction of personal injury if he otherwise lawfully carries the weapon and for a person to carry a concealable weapon onto the premises of a business that sells alcoholic beverages if the person does not consume such beverages while present. In addition, the bill allows a person to carry a concealable weapon and associated ammunition upon the grounds of a state park and defines a concealable weapon as a firearm having a length of less than 12 inches as measured along its greatest dimension. Further, the bill removes the requirement that a person with a concealed weapons permit have his permit identification card on his person when interacting with a law enforcement officer and does not require the person to present such permit when proof of his driver's license is requested. Previously, a person who failed to immediately report the loss or theft of his permit to the State Law Enforcement Division was deemed guilty of a misdemeanor punishable by a fine of \$25; the bill removes this provision.

The bill also allows a person who has the appropriate authorization to possess a concealable weapon to carry that weapon into certain locations and facilities. In addition, the state must honor valid out-of-state concealed weapons permits regardless of whether South Carolina has a reciprocity agreement with such state, provided that the permit holder abide by South Carolina's concealed weapons laws. A concealed weapons permit will no longer be required for specified law enforcement officers, members of the military when on duty, organizations and their members who convene for the purpose of collecting firearms or target practice, licensed hunters and fishermen, persons dealing in firearms, members of military and civil organizations who are parading or meeting with their respective organizations, persons in their home or upon their real property or persons permitted by the owner to be present, a person in a vehicle when the weapon is properly secured, a person carrying an unloaded handgun when moving between his home and fixed place of business, and a prison guard engaged in his official duties.

A person may carry a concealable weapon upon the premises of a business or work place or while using any equipment owned or operated by the business regardless of whether he has a concealed weapons permit. The bill also provides that a person who violates a "No Concealable Weapons Allowed" notice posted by a business owner will be issued a fine of not more than \$200 or be imprisoned for not more than 30 days; however, the bill eliminates the provision related to a second or subsequent violation, which would have required revocation of the violator's concealed weapons permit for a period of one year. Finally, the bill enables active judges, masters-in-equity, magistrates, solicitors and assistant solicitors, and workers' compensation commissioners to carry a concealable weapon without the need for a permit.

Judicial Department.

This bill enacts the “South Carolina Constitutional Carry Act of 2021,” which amends a number of offenses involving concealed weapons by removing the requirement that a person have a concealed weapons permit in certain situations. These amendments would remove some offenses, including those shown below, of which there were a total of 5,230 filings in FY 2019-20:

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
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

The bill also enables active judges, masters-in-equity, solicitors and assistant solicitors, and workers’ compensation commissioners to carry a concealed weapon when performing their duties.

The department reports that the implementation of the bill would likely decrease general sessions, magistrate, and municipal court caseloads; however, as only the total number of filings and not specific offense filings can be determined, the number of new filings, hearings, or trials that may result cannot be estimated. However, the department expects that caseloads in these courts would decrease and that the minimal expenditure impact the bill may have can be absorbed within existing General Fund resources.

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.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



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