



# SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

## STATEMENT OF ESTIMATED FISCAL IMPACT

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<b>Bill Number:</b>	S. 0155	Introduced on January 12, 2021
<b>Author:</b>	Martin	
<b>Subject:</b>	South Carolina Constitutional Carry Act of 2021	
<b>Requestor:</b>	Senate Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	March 5, 2021	

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### Fiscal Impact Summary

This bill enacts the “South Carolina Constitutional Carry Act of 2021,” which amends a number of offenses involving the carry of weapons and repeals the offenses of carrying a concealed weapon, carrying a concealed weapon into a residence or dwelling without permission from the owner, and carrying a concealed weapon between an automobile and an accommodation.

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 State Law Enforcement Division (SLED) reports that the bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds because it merely makes a concealed weapon permit unnecessary to lawfully carry a weapon in South Carolina. SLED expects that the implementation of the bill will lead to a reduction in the number of concealed weapon permit applications, but the amount of Other Funds revenue that may be lost due to any resultant decrease in applications cannot be estimated due to a lack of data.

The Department of Public Safety reports that the 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.

### Explanation of Fiscal Impact

#### Introduced on January 12, 2021

#### State Expenditure

This bill creates the “South Carolina Constitutional Carry Act of 2021,” which specifies that a person, provided he lawfully possesses a firearm, does not need a concealed weapon permit to store the firearm in his vehicle while he is parked on the capitol grounds or in the parking garage below the capitol ground.

The bill also modifies existing provisions related to exceptions to the unlawful carry of a handgun by removing those exceptions and making it lawful for anyone to carry about his person

a handgun, whether concealed or not. In addition, the bill copies the provisions included in Section 23-3-215(M)—which specifies locations where the carry of a handgun by a concealed weapon permit holder is illegal—and incorporates these locations into a new section, Section 16-23-20(B). These locations include law enforcement and correctional facilities, government buildings or places where governmental entities meet, polling places on election days, school or college athletic events not related to firearms, daycares or preschools, churches (when express permission has not been obtained), hospitals or medical facilities, residences where permission from the owner is not obtained, and places where signage indicating the carrying of a weapon on the premises is prohibited. Persons who unlawfully carry a firearm on any of the properties mentioned, with the exception of those who carry a firearm onto a place where signage indicating the carrying of a weapon on the premises is prohibited, are guilty of a misdemeanor punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, or both. Persons who unlawfully carry a weapon onto a place where signage indicating the carrying of a weapon on the premises is prohibited are guilty of a misdemeanor punishable by a fine not to exceed \$100 or imprisonment with hard labor on the public works of the county for not more than 30 days. Certain law enforcement officers, correctional facility staff, constables, courthouse staff, enforcement officers of the Department of Natural Resources (DNR), retired commissioned law enforcement officers, active members of the judicial system, and persons given permission to possess a firearm by the owner or manager of a property may lawfully carry firearms on the noted properties.

The bill also makes it 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 makes it lawful for a person to carry a weapon when he does not have a concealed weapon permit onto the premises of a business that sells alcoholic beverages, provided that he does not consume such beverages while present. In addition, the bill provides that a property owner, holder of a lease interest, or operator of a business may post signage indicating that no weapons are allowed on the property. References to weapon have been changed to firearm in Section 16-23-420, and references to concealable weapon have been changed to weapon in Section 16-23-465, Section 23-31-220, and Section 23-31-235.

In addition, the bill removes the requirement that a person with a concealed weapon 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. The bill makes conforming changes to Section 23-31-215(O) to remove exceptions that would also be removed from Section 16-23-20. Additionally, the bill enables certain law enforcement officers, constables, enforcement officers of DNR, and retired commissioned law enforcement officers to carry a weapon on a property where signage is posted which indicates no weapons are allowed. Further, the bill repeals Section 16-23-460 (Carrying concealed weapon; forfeiture of weapons), Section 23-31-225 (Carrying concealed weapons into residences or dwellings), and Section 23-31-230 (Carrying concealed weapons between automobile and accommodation) and adds a severability clause. The bill will take effect upon approval of the Governor.

**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. In FY2019-20, there were 5,216 total filings for offenses that would be amended under the provisions of the bill. Some, but not all, of these filings would be impacted by the bill:

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
2504-Concealable weapon permit not in possession, failure to report loss or theft	2
2507-Carrying concealed weapon into residence/dwelling without permission of owner	1
3757-Unlawful consumption of alcohol while carrying concealed weapon	1
3758-Carrying weapon in business prohibiting concealed weapon	4
3759-Refusing request to leave or remove weapon from premises	0

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—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 that this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds because it merely makes a concealed weapon permit unnecessary to lawfully carry a weapon in South Carolina.

**Department of Public Safety.** The department reports that 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

**State Law Enforcement Agency.** The department reports that it expects there to be a decrease in the number of applications for concealed weapon permits after implementation of the bill. Currently, the application fee for a concealed weapon permit is \$50. As there is no data with which to quantify any decrease in the number of applications that will be filed in future years, the amount of Other Fund revenue that may be lost cannot be estimated.

### Local Expenditure & Revenue

N/A

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