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COMMITTEE REPORT

March 3, 2021

**H. 3094**

Introduced by 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, T. Moore, McCabe, Hosey, W. Cox, Bailey, Lowe, Atkinson, J.E. Johnson, Brittain, Bennett, Hyde, McGinnis, and Forrest

S. Printed 3/3/21--H. [SEC 3/4/21 2:28 PM]

Read the first time January 12, 2021.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3094) to amend Section 23‑31‑210, Code of Laws of South Carolina, 1976, relating to the issuance of concealed weapon permits, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTIONS:

/SECTION \_\_\_. Section 23‑31‑220 of the 1976 Code is amended to read:

“SECTION 23‑31‑220. 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 or open carry weapon 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 or open carry weapon upon his premises.

The posting by the employer, owner, or person in legal possession or control of a sign stating ‘No Concealable or Open Carrying of 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 or open carry weapons not be brought upon the premises or into the work place. A person who brings a concealable or open carry weapon 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).”

SECTION \_\_\_. 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 or open carry weapon 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 or open carry weapon permit holder is prohibited from carrying a concealable or open carry weapon 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 OR OPEN CARRYING OF 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 OR OPEN CARRYING OF 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.” /

Renumber sections to conform.

Amend title to conform.

CHRIS MURPHY for Committee.

**A** **BILL**

TO AMEND SECTION 23‑31‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO ENACT THE “OPEN CARRY WITH TRAINING ACT” BY REVISING THE DEFINITION OF THE TERM “CONCEALABLE WEAPON” TO ALLOW A PERMIT HOLDER TO CARRY A CONCEALABLE WEAPON OPENLY ON HIS PERSON; AND 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.

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

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

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 ~~must~~ 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.”

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;”

SECTION 4. This act takes effect sixty days after approval by the Governor.

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