**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3612**

**STATUS INFORMATION**

General Bill

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Introduced in the House on January 11, 2023

Currently residing in the House

Summary: S.C. Constitutional Carry Act of 2023

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/11/2023 House Introduced and read first time ([House Journal‑page 37](h:\hj\20230111.docx))

1/11/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 37](h:\hj\20230111.docx))

1/31/2023 House Member(s) request name added as sponsor: Gibson

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**VERSIONS OF THIS BILL**

[01/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3612_20230111.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2023” BY AMENDING SECTION 10-11-320, RELATING TO CARRYING OR DISCHARGING FIREARMS, AND EXCEPTIONS FOR CONCEALABLE WEAPONS’ PERMIT HOLDERS, SO AS TO PROVIDE PERSONS MAY POSSESS FIREARMS UPON THE CAPITOL GROUNDS UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 16-23-20, RELATING TO UNLAWFUL CARRYING OF HANDGUNS AND EXCEPTIONS, SO AS TO PROVIDE IT IS LEGAL TO CARRY HANDGUNS IN THIS STATE AND TO PROVIDE LOCATION EXCEPTIONS WHERE FIREARMS ARE PROHIBITED; BY AMENDING SECTION 16-23-50, RELATING TO PENALTIES, DISPOSITION OF FINES, AND FORFEITURE AND DISPOSITION OF HANDGUNS, SO AS TO PROVIDE PERSONS WHO ENTER PREMISES WITH SIGNS PROHIBITING FIREARMS WHILE POSSESSING A FIREARM MUST BE CHARGED WITH TRESPASSING; BY AMENDING SECTIONS 16-23-420 AND 16-23-430, BOTH RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTIES, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH PERSONS MAY POSSESS FIREARMS ON SCHOOL PROPERTIES; BY AMENDING SECTION 16-23-465, RELATING TO ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING PISTOLS OR FIREARMS ONTO PREMISES OF BUSINESSES SELLING ALCOHOLIC LIQUOR, BEER, OR WINE FOR ON-PREMISES CONSUMPTION, SO AS TO PROVIDE AN EXCEPTION FOR PERSONS LAWFULLY CARRYING WEAPONS WHO DO NOT CONSUME ALCOHOLIC LIQUOR, BEER, OR WINE WHILE CARRYING WEAPONS ON THE BUSINESSES’ PREMISES; BY AMENDING SECTION 23-31-215, RELATING TO ISSUANCE OF CONCEALABLE WEAPON PERMITS, SO AS TO DELETE THE PROVISION THAT REQUIRES PERMIT HOLDERS TO POSSESS PERMIT IDENTIFICATION WHEN CARRYING CONCEALABLE WEAPONS, AND THE PROVISION THAT REQUIRES PERMIT HOLDERS TO INFORM LAW ENFORCEMENT OFFICERS THAT THEY ARE PERMIT HOLDERS AND PRESENT THE PERMITS TO OFFICERS UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 23-31-220, RELATING TO THE RIGHT TO ALLOW OR PERMIT CONCEALED WEAPONS UPON PREMISES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE THIS PROVISION REGULATES BOTH PERSONS WHO POSSESS AND DO NOT POSSESS CONCEALED WEAPONS PERMITS; BY AMENDING SECTION 23-31-235, RELATING TO SIGN REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTIONS 16-23-460, 23-31-225, AND 23-31-230 RELATING TO THE UNLAWFUL CARRYING OF CONCEALABLE WEAPONS, THE UNLAWFUL CARRYING OF CONCEALABLE WEAPONS INTO RESIDENCES, AND THE CARRYING OF WEAPONS BETWEEN AUTOMOBILES AND CERTAIN ROOMS AND ACCOMMODATIONS.

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

SECTION 1. This act may be cited as the “South Carolina Constitutional Carry Act of 2023”.

SECTION 2. Section 10‑11‑320(B) of the S.C. Code is amended to read:

(B) This section does not apply to a person who possesses a concealable weapons' permit pursuant to Article 4, Chapter 31, Title 23 firearm and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain locked in the person's vehicle while on or below the capitol grounds and must be stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds.

SECTION 3. Section 16‑23‑20 of the S.C. Code is amended to read:

Section 16‑23‑20. (A) It is unlawful lawful for anyone to carry about the person any handgun, whether concealed or not, except as follows, unless otherwise specifically prohibited by law: provided for in subsection (B) or if the person is otherwise prohibited from owning, carrying, or purchasing a firearm as provided for by state or federal law in existence on December 1, 2022.

(1) regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor's constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers;

(2) members of the Armed Forces of the United States, the National Guard, organized reserves, or the State Militia when on duty;

(3) members, or their invited guests, of organizations authorized by law to purchase or receive firearms from the United States or this State or regularly enrolled members, or their invited guests, of clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members, or their invited guests, are at or going to or from their places of target practice or their shows and exhibits;

(4) licensed hunters or fishermen who are engaged in hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot;

(5) a person regularly engaged in the business of manufacturing, repairing, repossessing, or dealing in firearms, or the agent or representative of this person, while possessing, using, or carrying a handgun in the usual or ordinary course of the business;

(6) guards authorized by law to possess handguns and engaged in protection of property of the United States or any agency of the United States;

(7) members of authorized military or civil organizations while parading or when going to and from the places of meeting of their respective organizations;

(8) a person in his home or upon his real property or a person who has the permission of the owner or the person in legal possession or the person in legal control of the home or real property;

(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;

(10) a person carrying a handgun unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of changing or moving one's residence or changing or moving one's fixed place of business;

(11) a prison guard while engaged in his official duties;

(12) a person who is granted a permit under provision of law by the State Law Enforcement Division to carry a handgun about his person, under conditions set forth in the permit, and while transferring the handgun between the permittee's person and a location specified in item (9);

(13) the owner or the person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business, and the employee of a fixed place of business, other than a business subject to Section 16‑23-465, while at the place of business; however, the employee may exercise this privilege only after: (a) acquiring a permit pursuant to item (12), and (b) obtaining the permission of the owner or person in legal control or legal possession of the premises;

(14) a person engaged in firearms‑related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms, unless the premises is posted with a sign limiting possession of firearms to holders of permits issued pursuant to item (12);

(15) a person while transferring a handgun directly from or to a vehicle and a location specified in this section where one may legally possess the handgun.

(16) Any person on a motorcycle when the pistol is secured in a closed saddlebag or other similar closed accessory container attached, whether permanently or temporarily, to the motorcycle.

(B) It is unlawful for a person to carry a handgun about his person, whether concealed or not, into a:

(1) law enforcement, correctional, or detention facility;

(2) courthouse or courtroom;

(3) polling place on election days;

(4) office of or business meeting of the governing body of a county, public school district, municipality, or special purpose district;

(5) school or college athletic event not related to firearms;

(6) daycare facility or preschool facility;

(7) place where the carrying of firearms is prohibited by federal law;

(8) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;

(9) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the appropriate entity;

(10) residence or dwelling place of another person without the express permission of the owner, or person in legal control or possession of the residence or dwelling place, as appropriate; or

(11) place clearly marked with a sign prohibiting the carrying of a weapon on the premises pursuant to Section 23‑31‑235. A person who violates a provision of this item, whether the violation is willful or not, may only be charged with a violation of Section 16‑11‑620 and must not be charged with or penalized for a violation of this subsection.

(C) The provisions of subsection (B) do not apply to:

(1) regular, salaried law enforcement officers and reserve police officers of a state agency, municipality, or county of the State; uncompensated Governor's constables; law enforcement officers of the federal government or other states if they are carrying out official duties while in this State; deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources; and retired commissioned law enforcement officers employed as private detectives or private investigators;

(2) employees of a law enforcement facility, correctional facility, detention facility, or courthouse while in the course of employment if the employment requires the possession of a firearm;

(3) anyone authorized to carry a firearm pursuant to Section 23‑31‑240; and

(4) anyone given permission to possess a firearm by the owner or manager of the property with the authority to give such permission.

(D) Nothing contained in this section may be construed to alter or affect the provisions of Sections 10‑11‑320, 16‑23‑420, 16‑23‑430, 16‑23‑465, 44‑23‑1080, 44‑52‑165, or 51‑3‑145, or to alter or affect the ability of a citizen to obtain a concealed weapon permit as provided for in Section 23‑31‑215.

SECTION 4. Section 16‑23‑50(A)(2) of the S.C. Code is amended to read:

(2) A person violating the provisions of Section 16‑23‑20 except for subsection (B)(11) is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SECTION 5. Section 16‑23‑420 of the S.C. Code is amended to read:

Section 16‑23‑420. (A) It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post‑secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property. The provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post‑secondary institution, do not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon firearm remains inside an attended or locked motor vehicle and is 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.

(B) It is unlawful for a person to enter the premises or property described in subsection (A) and to display, brandish, or threaten others with a firearm.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(D) This section does not apply to a guard, law enforcement officer, or member of the armed forces, or student of military science. A married student residing in an apartment provided by the private or public school whose presence with a weapon firearm in or around a particular building is authorized by persons legally responsible for the security of the buildings is also exempted from the provisions of this section.

(E) For purposes of this section, the terms “premises” and “property” do not include state or locally owned or maintained roads, streets, or rights‑of‑way of them, running through or adjacent to premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post‑secondary institution, which are open full time to public vehicular traffic.

(F) This section does not apply to a person who is authorized to carry concealed weapons pursuant to Article 4, Chapter 31 of Title 23 when upon any premises, property, or building that is part of an interstate highway rest area facility.

SECTION 6. Section 16‑23‑430(B) of the S.C. Code is amended to read:

(B) This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is 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.

SECTION 7. Section 16‑23‑465 of the S.C. Code is amended to read:

Section 16‑23‑465. (A)(1) In addition to the penalties provided for by Sections 16‑11‑330, 16‑11‑620, 16‑23‑460, 23‑31‑220, and Article 1, Chapter 23, Title 16, a person convicted of carrying a firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises is guilty of a misdemeanor, and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than two years, or both.

(2) In addition to the penalties described above, a person who violates this section while carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23 must have his concealed weapon permit revoked for a period of five years.

(B)(1) This section does not apply to a person otherwise lawfully carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23; however, the person shall who does not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business' premises. A person who violates this item may be charged with a violation of subsection (A).

(2) A property owner, holder of a lease interest, or operator of a business may prohibit the carrying of concealable weapons into the business by posting a “NO CONCEALABLE WEAPONS ALLOWED” sign in compliance with Section 23‑31‑235. A person who carries a concealable weapon into a business with a sign posted in compliance with Section 23‑31‑235 may be charged with a violation of subsection (A).

(3) A property owner, holder of a lease interest, or operator of a business may request that a person carrying a concealable weapon leave the business' premises, or any portion of the premises, or request that a person carrying a concealable weapon remove the concealable weapon from the business' premises, or any portion of the premises. A person carrying a concealable weapon who refuses to leave a business' premises or portion of the premises when requested or refuses to remove the concealable weapon from a business' premises or portion of the premises when requested may be charged with a violation of subsection (A).

SECTION 8. Section 23‑31‑215(K) of the S.C. Code is amended to read:

(K) A permit holder must have his permit identification card in his possession whenever he carries a concealable weapon. When carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, a permit holder must inform a law enforcement officer of the fact that he is a permit holder and present the permit identification card when an officer:

(1) identifies himself as a law enforcement officer; and

(2) requests identification or a driver's license from a permit holder.

A permit holder immediately must report the loss or theft of a permit identification card to SLED headquarters. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty‑five dollars.

SECTION 9. Section 23‑31‑215(O) of the S.C. Code is amended to read:

(O) A permit issued pursuant to this article is not required for a person:

(1) specified in Section 16‑23‑20, items (1) through (5) and items (7) through (11);

(2) carrying a self‑defense device generally considered to be nonlethal including the substance commonly referred to as “pepper gas”; or

(3)(2) carrying a concealable weapon in a manner not prohibited by law.

SECTION 10. Section 23‑31‑220 of the S.C. Code is amended to read:

Section 23‑31‑220. (A) 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 weapon, whether concealed or openly carried, upon the premises of the business or work place workplace 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 weapon, whether concealed or openly carried, upon his premises.

(B) The posting by the employer, owner, or person in legal possession or control of a sign stating “NO CONCEALABLE 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 weapons, whether concealed or openly carried, not be brought upon the premises or into the work place. A person who brings a concealable weapon, whether concealed or openly carried, onto the premises or work place workplace 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) regular, salaried law enforcement officers and reserve police officers of a state agency, municipality, or county of the State; uncompensated Governor's constables; law enforcement officers of the federal government or other states if they are carrying out official duties while in this State; deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources; and retired commissioned law enforcement officers employed as private detectives or private investigators.

(C) In addition to the provisions of subsection (B), a public or private employer or the owner of a business may post a sign regarding the prohibition or allowance on those premises of concealable weapons, whether concealed or openly carried, which may be unique to that business.

SECTION 11. Section 23‑31‑235 of the S.C. 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 weapon, whether concealed or openly carried, 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 weapon permit holder is prohibited from carrying a concealable weapon, whether concealed or openly carried, 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 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 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.

(D) Nothing in this section prevents a public or private employer or owner of a business from posting a sign regarding the prohibition or allowance on those premises of concealable weapons, whether concealed or openly carried, which may be unique to that business.

SECTION 12. Sections 16‑23‑460, 23‑31‑225, and 23‑31‑230 of the S.C. Code are repealed.

SECTION 13. The repeal or amendment by this act of any law, whether temporary, permanent, civil, or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 14. This act takes effect upon approval by the Governor.

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