



**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. 3594	Amended by the Senate on February 1, 2024
<b>Author:</b>	B.J. Cox	
<b>Subject:</b>	Constitutional Carry	
<b>Requestor:</b>	Senate Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	February 28, 2024 - Updated for Additional Agency Response	

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### **Fiscal Impact Summary**

This bill as amended creates the South Carolina Constitutional Carry/Second Amendment Preservation Act of 2023, which removes the requirement that a person must possess a concealed weapon permit (CWP) in order to carry or store a firearm in certain locations; enables law enforcement to retain or dispose of a firearm that has been found and turned in; repeals certain unlawful carry offenses; expands the penalty schedule for unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year; enables certain persons convicted of a first offense for unlawful possession of a firearm or weapon to apply for expungement of their records; and enables active county clerks of court who possess a valid CWP to carry a concealed weapon anywhere within the State.

This bill will amend or repeal certain unlawful carrying offenses and will expand the penalty schedule for unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year.

Judicial, the Commission on Indigent Defense, the Commission on Prosecution Coordination, and the Department of Public Safety report that the bill will have no or a minimal expenditure impact since these agencies will administer policies resulting from the bill with the use of existing staff and resources.

The South Carolina Department of Corrections (SCDC) reports that while implementation of the bill may extend the terms of imprisonment for certain inmates, the resulting expenditure impact cannot be determined. According to SCDC, in FY 2022-23, the annual total cost per inmate was \$37,758 of which \$34,570 was state funded. SCDC expects to manage any expenditure impact due to this bill with existing General Fund appropriations. If this bill results in a substantial increase in incarcerations, Corrections will request an increase in General Fund Appropriations.

The bill also requires the State Law Enforcement Division (SLED) to provide a statewide CWP training course free of charge to South Carolina residents. In addition, the bill makes it unlawful for a person who does not possess a valid CWP to use a concealed weapon in certain instances. SLED must inform state firearms dealers and residents that the state provides a process for gun owners to obtain a CWP, allows law-abiding gun owners to carry their weapons without a

permit, and provides that if a gun owner commits a crime involving a concealable weapon when he has no valid permit, an additional criminal penalty for the underlying offense may be administered.

SLED estimates that the cost of the CWP training would be approximately \$4,135,600 based on paying instructors a fee of \$100 per participant for an average of 41,356 participants a year. The agency would hire 4.0 new FTEs at a cost of \$369,000 for salaries and fringe, \$29,400 for recurring expenses to support these FTEs, and one-time expenses of approximately \$152,000 for vehicles and equipment. SLED also estimates that a media campaign to inform the public of the changes would have a one-time cost of \$1,000,000. In total SLED would expend approximately \$5,686,000 in FY 2024-25 and \$4,534,000 each year thereafter. The agency anticipates requesting an increase in General Fund appropriations to cover these expenses.

This bill, as amended, requires Department of Motor Vehicles (DMV) to offer the option to place an identifying symbol on the driver's licenses of eligible CWP holders. The department indicates that to meet the provisions of the bill, DMV will need to request a nonrecurring General Fund appropriations increase of at least \$1,600,000 and a recurring General Fund appropriations increase of \$100,000. Under DMV's current driver's license production process, the department estimates that adding the new symbol for CWP holders will take 30-36 months to implement. However, DMV is currently in the process of transitioning its process, and the contract is under protest, which may further delay the implementation of the bill.

Revenue and Fiscal Affairs (RFA) contacted counties and the Municipal Association of South Carolina (MASC) to determine the potential impact on local governments. Horry County reports that implementation of the bill will result in the county needing to hire an additional property and evidence custodian at a cost of \$76,929 annually, beginning in FY 2023-24. Florence County reports the implementation of the bill will have an undetermined impact and will provide for additional work for crime scene investigation. Also, MASC anticipates this bill may impact cities due to the potential increase in call volumes to local law enforcement due to the visible presence of firearms in public and private settings, increases in insurance claims from cities who defend against lawsuits arising out of the increase in law enforcement encounters with people who are visibly armed, and increases in costs to review applications and then monitor for compliance for public events in cities where firearms may or may not be allowed. In addition, MASC reports cities will likely see increases in liability insurance premiums and court costs. These things, along with other factors, are expected to create an expenditure impact of an undetermined amount for local governments.

This bill modifies the penalty schedule for the offense of unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year and removes the option for the levy of a fine. As the number of such offenses that might occur in a given year is unknown, the General Fund, Other Funds, and local revenue impact is undetermined.

SLED reports that the implementation of this bill will have no revenue impact, as the passage of Act No. 66 in 2021 removed the requirement that a person pay SLED a \$50 application fee for a CWP.

*This impact statement has been updated to include an expenditure response from SLED.*

## **Explanation of Fiscal Impact**

**Updated for Additional Agency Response on February 28, 2024**

**Amended by the Senate on February 1, 2024**

### **State Expenditure**

This bill as amended creates the South Carolina Constitutional Carry/Second Amendment Preservation Act of 2023, which makes a number of changes related to the lawful carry of a firearm in South Carolina.

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 does not need a concealed weapon permit to 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 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. A person who is not otherwise prohibited by law from carrying a firearm may lawfully store it anywhere in a vehicle, whether occupied or unoccupied.

The bill also removes the requirement that a person who has turned over a gun he has found to a law enforcement agency file an application to have the gun returned to him if desired. In addition, the bill requires a law enforcement agency to retain a handgun that has been turned in by a person who is prohibited under state or federal law from possessing or receiving a handgun and allows the agency to dispose of any gun not reclaimed or returned by sale.

The bill also 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 a 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 within 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 a person who has lost his concealed weapon permit identification card or had his card stolen to report the loss within forty-eight hours of the time the holder becomes aware of the loss. The bill also requires an owner or other person in lawful possession of a firearm, rifle, or shotgun whose weapon is lost or stolen to report the event to the appropriate local law enforcement agency within thirty days of the discovery.

The bill also authorizes a public or private employer to either allow or disallow the carry of firearms onto the premises of the business and to post signage regarding the prohibition or allowance of weapons on the premises.

Additionally, the bill removes the requirement that a person possess a concealed weapon permit to carry a weapon on the leased premises of an elementary or secondary school if a church leases those premises for church services or official church activities, provided that express permission has been granted by the appropriate church official or governing body. The bill also repeals Sections 16-23-460 (*Carrying concealed weapons; forfeiture of weapons*), 23-31-225 (*Carrying concealed weapons into residences or buildings*), and 23-31-230 (*Carrying concealed weapons on premises of certain schools leased by churches*).

Section 16-23-500(A) makes it unlawful for persons who are convicted of violent offenses to possess a firearm or ammunition within the state. The bill removes the reference to violent offenses and replaces it with the term “crime punishable by a maximum term of imprisonment of more than one year,” and it expands the penalty structure for this felony offense, as shown below:

<b>Section 16-23-500(A) Current Penalty Schedule</b>
<b>Any Level Offense</b>
Fine of ≤\$2,000, imprisonment for ≤10 years, or both
<b>Section 16-23-500(A) Expanded Penalty Schedule</b>
<b>1st Offense - Felony</b>
Imprisonment for ≤5 years
<b>2nd Offense - Felony</b>
Mandatory imprisonment for at least 5 years but not more than 20 years
<b>3rd or Subsequent Offense - Felony</b>
Mandatory imprisonment for at least 10 years but not more than 30 years

The bill does provide for the following exceptions to the ban on the possession of firearms or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year:

- any offense in this state or another jurisdiction pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses;
- any offense classified by the laws of this state or another jurisdiction as a misdemeanor and punishable by a term of imprisonment of five years or fewer; and
- any crime for which the conviction has been expunged or set aside for which the person has been pardoned or has had his civil rights restored, unless expressly provided otherwise.

Additionally, the bill enables persons who are convicted of a first offense violation for unlawful possession of a firearm or weapon—whereby the penalty is imprisonment for not more than one year or a fine of one thousand dollars, or both—to apply for expungement of their records if three years have passed since the conviction.

The bill also enables active county clerks of court who possess a concealed weapon permit to carry a concealable weapon anywhere in the state.

This bill provides that a concealed weapon permit holder may obtain from DMV a driver's license denoting the concealed weapon permit designation when he presents at the DMV to obtain a new, renewed, or replacement driver's license. DMV will be responsible for providing a copy of the applicant's concealed weapon permit and license application to SLED prior to issuing the specialized version of the driver's license to the applicant. SLED must provide written certification that an applicant's permit is valid and, if more than 60 days have elapsed since the permit was issued, that the agency conducted or facilitated a state and federal background check that resulted in favorable results. For every applicant who is approved for the concealed weapon permit holder license designation, SLED is required to conduct or facilitate a state and federal background check on the person every five years whereby the permit must be renewed by SLED at no charge when the background check is favorable. Applications are not required for the background check or renewal of the permit.

The bill also provides that a person may present a driver's license containing the concealed weapon permit designation in lieu of presenting a permit when required by law. In addition, the amendment provides that SLED must automatically renew a concealed weapon permit without application; reduces the cost of renewal from \$50 to an amount no more than the cost of renewing a South Carolina driver's license (currently \$12.50); and removes the requirement that a person seeking renewal of his concealed weapon permit provide a current picture identification, provided he possesses a concealed weapon holder permit designation on his driver's license. Renewed permits are valid for five years.

The bill also requires SLED to provide a statewide concealed weapon permit training course satisfying the proof of training requirement for issuance of a concealed weapon permit. SLED may contract with a private training provider or with local law enforcement to provide the course, or the agency itself may opt to provide the training. The course must be provided free of charge and offered in every county in the state at least twice per month and provide additional classes as needed to meet demand. This provision does not prohibit a certified concealed weapon permit training class instructor from providing his own for-profit training classes.

In addition, the bill makes it unlawful for a person convicted of committing or attempting to commit a crime involving a concealed weapon to commit another offense involving firearms or to carry, have readily accessible, possess, or discharge upon the capitol grounds or within the capitol building any firearm or dangerous weapon. Such offenses are punishable by a term of imprisonment for not more than three years. The term of imprisonment must be served consecutively to any term imposed for the underlying offense and may not exceed the actual sentence imposed for the underlying offense. This provision does not apply to a person possessing a valid permit to carry a concealable weapon, provided the permit was valid at the time the crime was committed. The additional punishment may only be administered if the person did not possess a valid concealed weapon permit during the commission of the crime, if he was convicted for the count involving no valid permit, and if he was convicted for the underlying crime.

The bill also requires SLED to develop and disseminate to qualified South Carolina firearms dealers a document detailing specific information for gun owners as outlined in the bill. SLED must also conduct a regular, statewide marketing campaign informing South Carolina residents of those same provisions. In addition, the bill prescribes the dimensions of the concealed weapon permit and establishes the documentation required for submission with a concealed weapon permit application.

**Judicial.** This bill enacts the South Carolina Constitutional Carry/Second Amendment Preservation Act of 2023, which amends a number of offenses involving the carry of a firearm, repeals certain carry offenses, and expands the penalty schedule for the unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment. The following table provides the number of filings related to the offenses in the bill for reference.

<b>Criminal Data Report (CDR) Code-Description</b>	<b>Total Filings in FY 2022-23</b>
0043-Carry concealed weapon, not a pistol (e.g., dirk, metal knuckles, etc.)	16
0044-Unlawful carrying of pistol	6,637
0300-Carrying or displaying firearms in public buildings or adjacent areas	30
0543-Carrying concealable weapon on posted places	1
0615-Carrying weapons on school property	50
1104-Carrying or discharging firearm or explosive on Capitol grounds or buildings	3
2007-Unlawful act in state park	1
2504-Concealable weapon permit not in possession, failure to report loss or theft	1
2505-Carrying concealable weapon into certain restricted places	1
2507-Carrying concealed weapon into residence/dwelling without permission of owner	0
3757-Unlawful consumption of alcohol while carrying concealed weapon	7

This bill may decrease the general sessions, magistrate, and municipal courts caseloads for the offenses listed in the chart above; however, there are 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 bill. It is anticipated that these changes will have a minimum impact on Judicial and can be managed using existing General Fund resources.

**Commission on Prosecution Coordination.** The Commission reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Commission on Indigent Defense.** The implementation of this bill will have no expenditure impact, as the Commission expects to manage any increase in caseloads within current resources.

**State Law Enforcement Division.** This bill tasks SLED with providing a statewide CWP training course for free. SLED indicates that 4.0 FTEs at an expense of \$369,000 for salary, fringe, and overtime will be needed. This includes 2 special agents, a program assistant, and an accountant. The agency intends to employ a media campaign at a one-time expense of \$1,000,000 to inform the public of the program. The agency also provided the following list of expenses it anticipates using to support the new FTEs and to provide the CWP training.

<b>Nonrecurring Expenses</b>	
Vehicles for 2 Special Agents	\$120,000
Protective Vests and Covers	\$9,512
Glock Duty Belt Holsters	\$2,200
AR-15s	\$3,000
Uniforms, Boots, Handcuffs, etc.	\$9,000
Computer Equipment	\$12,000
Media Campaign	\$1,000,000
<b>Total Nonrecurring Expenses</b>	<b>\$1,152,000</b>
<b>Recurring Expenses</b>	
4.0 FTEs -Salary & Fringe	\$369,000
Gas	\$16,800
I-phone w/ hotspot	\$1,600
Mobile and Portable 800 Radio Service	\$3,200
Uniform Replacement	\$1,200
Training/Travel	\$3,000
Technology Licenses	\$2,400
1/5 Vehicle Replacement	\$24,000
Other	\$1,200
CWP Instructors Compensation	\$4,135,600
<b>Total Recurring Expenses</b>	<b>\$4,533,000</b>

*(Totals are rounded)*

SLED notes that the instructor compensation is based on a \$100 training fee multiplied by the 10-year annual average new CWP's issues of 41,356. Therefore, SLED would expend \$5,685,692 in FY 2024-25 and \$4,533,850 each year thereafter. The agency anticipates requesting an increase in General Fund appropriations to cover these expenses.

*This impact statement has been updated to include an expenditure response from SLED.*

**Department of Motor Vehicles.** This bill, as amended, requires DMV to offer the option to place an identifying symbol on the driver's licenses of eligible CWP holders. The department indicates that to meet the provisions of the bill, DMV will need to request a nonrecurring General Fund appropriations increase of at least \$1,600,000 and a recurring General Fund appropriations increase of \$100,000. Under DMV's current driver's license production process, the department estimates that adding the new symbol for CWP holders will take 30-36 months to implement. However, DMV is currently in the process of transitioning its process, and the contract is under protest, which may further delay the implementation of the bill.

**Department of Public Safety.** The department reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Department of Corrections.** The South Carolina Department of Corrections (SCDC) reports that while implementation of the bill may extend the terms of imprisonment for certain inmates, the resulting expenditure impact cannot be determined. According to SCDC, in FY 2022-23, the annual total cost per inmate was \$37,758 of which \$34,570 was state funded. SCDC expects to manage any expenditure impact due to this bill with existing General Fund appropriations. If this bill results in a substantial increase in incarcerations, Corrections will request an increase in General Fund Appropriations.

### **State Revenue**

This bill modifies the penalty schedule for the offense of unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year and removes the option for the levy of a fine. As such, it has the potential to decrease General Fund and Other Funds revenue. However, as the number of such offenses that might occur in a given year is unknown, the General Fund and Other Funds revenue impact is undetermined.

SLED reports that the implementation of this bill will have no revenue impact, as the passage of Act No. 66 in 2021 removed the requirement that a person pay SLED a \$50 application fee for a concealed weapon permit.

### **Local Expenditure**

The Revenue and Fiscal Affairs Office surveyed county governments, as well as MASC, as to determine what impact the bill would have on local expenditures. MASC, Florence County, and Horry County provided responses. MASC indicates it anticipates local law enforcement will experience an increase in the number of calls for service, which may result in a need to hire more



officers. In addition, MASC reports cities will likely see increases in liability insurance premiums and court costs. These things, along with other factors, are expected to create an undetermined increase in expenses for municipalities. Horry County reports that it would need to hire an additional property and evidence custodian to track weapons that are presented to the county sheriff's department. The county indicates this hire will cost \$76,929 annually beginning in FY 2023-24. Florence County reports the implementation of the bill will have an undetermined impact and will provide for additional work for crime scene investigation.

### **Local Revenue**

This bill modifies the penalty schedule for the offense of unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year and removes the option for the levy of a fine. As such, it has the potential to decrease local revenue from fines for such an offense. However, as the number of such offenses that might occur in a given year is unknown, the local revenue impact is undetermined.

### **Amended by the Senate on February 1, 2024**

#### **State Expenditure**

This bill as amended creates the South Carolina Constitutional Carry/Second Amendment Preservation Act of 2023, which makes a number of changes related to the lawful carry of a firearm in South Carolina.

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 does not need a concealed weapon permit to 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 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. A person who is not otherwise prohibited by law from carrying a firearm may lawfully store it anywhere in a vehicle, whether occupied or unoccupied.

The bill also removes the requirement that a person who has turned over a gun he has found to a law enforcement agency file an application to have the gun returned to him if desired. In addition, the bill requires a law enforcement agency to retain a handgun that has been turned in by a person who is prohibited under state or federal law from possessing or receiving a handgun and allows the agency to dispose of any gun not reclaimed or returned by sale.

The bill also 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 a 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 within 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 a person who has lost his concealed weapon permit identification card or had his card stolen to report the loss within forty-eight hours of the time the holder becomes aware of the loss. The bill also requires an owner or other person in lawful possession of a firearm, rifle, or shotgun whose weapon is lost or stolen to report the event to the appropriate local law enforcement agency within thirty days of the discovery.

The bill also authorizes a public or private employer to either allow or disallow the carry of firearms onto the premises of the business and to post signage regarding the prohibition or allowance of weapons on the premises.

Additionally, the bill removes the requirement that a person possess a concealed weapon permit to carry a weapon on the leased premises of an elementary or secondary school if a church leases those premises for church services or official church activities, provided that express permission has been granted by the appropriate church official or governing body. The bill also repeals Sections 16-23-460 (*Carrying concealed weapons; forfeiture of weapons*), 23-31-225 (*Carrying concealed weapons into residences or buildings*), and 23-31-230 (*Carrying concealed weapons on premises of certain schools leased by churches*).

Section 16-23-500(A) makes it unlawful for persons who are convicted of violent offenses to possess a firearm or ammunition within the state. The bill removes the reference to violent offenses and replaces it with the term “crime punishable by a maximum term of imprisonment of more than one year,” and it expands the penalty structure for this felony offense, as shown below:

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Mandatory imprisonment for at least 5 years but not more than 20 years
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Mandatory imprisonment for at least 10 years but not more than 30 years

The bill does provide for the following exceptions to the ban on the possession of firearms or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year:

- any offense in this state or another jurisdiction pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses;
- any offense classified by the laws of this state or another jurisdiction as a misdemeanor and punishable by a term of imprisonment of five years or fewer; and
- any crime for which the conviction has been expunged or set aside for which the person has been pardoned or has had his civil rights restored, unless expressly provided otherwise.

Additionally, the bill enables persons who are convicted of a first offense violation for unlawful possession of a firearm or weapon—whereby the penalty is imprisonment for not more than one year or a fine of one thousand dollars, or both—to apply for expungement of their records if three years have passed since the conviction.

The bill also enables active county clerks of court who possess a concealed weapon permit to carry a concealable weapon anywhere in the state.

This bill provides that a concealed weapon permit holder may obtain from DMV a driver’s license denoting the concealed weapon permit designation when he presents at the DMV to obtain a new, renewed, or replacement driver’s license. DMV will be responsible for providing a copy of the applicant’s concealed weapon permit and license application to SLED prior to issuing the specialized version of the driver’s license to the applicant. SLED must provide written certification that an applicant’s permit is valid and, if more than 60 days have elapsed since the permit was issued, that the agency conducted or facilitated a state and federal background check that resulted in favorable results. For every applicant who is approved for the concealed weapon permit holder license designation, SLED is required to conduct or facilitate a state and federal background check on the person every five years whereby the permit must be renewed by SLED at no charge when the background check is favorable. Applications are not required for the background check or renewal of the permit.

The bill also provides that a person may present a driver's license containing the concealed weapon permit designation in lieu of presenting a permit when required by law. In addition, the amendment provides that SLED must automatically renew a concealed weapon permit without application; reduces the cost of renewal from \$50 to an amount no more than the cost of renewing a South Carolina driver's license (currently \$12.50); and removes the requirement that a person seeking renewal of his concealed weapon permit provide a current picture identification, provided he possesses a concealed weapon holder permit designation on his driver's license. Renewed permits are valid for five years.

The bill also requires SLED to provide a statewide concealed weapon permit training course satisfying the proof of training requirement for issuance of a concealed weapon permit. SLED may contract with a private training provider or with local law enforcement to provide the course, or the agency itself may opt to provide the training. The course must be provided free of charge and offered in every county in the state at least twice per month and provide additional classes as needed to meet demand. This provision does not prohibit a certified concealed weapon permit training class instructor from providing his own for-profit training classes. In addition, the bill makes it unlawful for a person convicted of committing or attempting to commit a crime involving a concealed weapon to commit another offense involving firearms or to carry, have readily accessible, possess, or discharge upon the capitol grounds or within the capitol building any firearm or dangerous weapon. Such offenses are punishable by a term of imprisonment for not more than three years. The term of imprisonment must be served consecutively to any term imposed for the underlying offense and may not exceed the actual sentence imposed for the underlying offense. This provision does not apply to a person possessing a valid permit to carry a concealable weapon, provided the permit was valid at the time the crime was committed. The additional punishment may only be administered if the person did not possess a valid concealed weapon permit during the commission of the crime, if he was convicted for the count involving no valid permit, and if he was convicted for the underlying crime.

The bill also requires SLED to develop and disseminate to qualified South Carolina firearms dealers a document detailing specific information for gun owners as outlined in the bill. SLED must also conduct a regular, statewide marketing campaign informing South Carolina residents of those same provisions. In addition, the bill prescribes the dimensions of the concealed weapon permit and establishes the documentation required for submission with a concealed weapon permit application. Such documentation includes a complete set of fingerprints for the applicant; law enforcement agencies may charge a fee of \$5.00 for fingerprinting an applicant.

**Judicial.** This bill enacts the South Carolina Constitutional Carry/Second Amendment Preservation Act of 2023, which amends a number of offenses involving the carry of a firearm, repeals certain carry offenses, and expands the penalty schedule for the unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment. The following table provides the number of filings related to the offenses in the bill for reference.

<b>Criminal Data Report (CDR) Code-Description</b>	<b>Total Filings in FY 2022-23</b>
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2504-Concealable weapon permit not in possession, failure to report loss or theft	1
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3757-Unlawful consumption of alcohol while carrying concealed weapon	7

This bill may decrease the general sessions, magistrate, and municipal courts caseloads for the offenses listed in the chart above; however, there are 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 bill. It is anticipated that these changes will have a minimum impact on Judicial and can be managed using existing General Fund resources.

**Commission on Prosecution Coordination.** The Commission reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Commission on Indigent Defense.** The implementation of this bill will have no expenditure impact, as the Commission expects to manage any increase in caseloads within current resources.

**State Law Enforcement Agency.** The expenditure impact of this bill on the South Carolina Law Enforcement Division (SLED) is pending, contingent upon a response.

**Department of Motor Vehicles.** This bill, as amended, requires DMV to offer the option to place an identifying symbol on the driver's licenses of eligible CWP holders. The department indicates that to meet the provisions of the bill, DMV will need to request a nonrecurring General Fund appropriations increase of at least \$1,600,000 and a recurring General Fund appropriations increase of \$100,000. Under DMV's current driver's license production process, the department estimates that adding the new symbol for CWP holders will take 30-36 months to implement. However, DMV is currently in the process of transitioning its process, and the contract is under protest, which may further delay the implementation of the bill.

**Department of Public Safety.** The department reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Department of Corrections.** The South Carolina Department of Corrections (SCDC) reports that while implementation of the bill may extend the terms of imprisonment for certain inmates, the resulting expenditure impact cannot be determined. According to SCDC, in FY 2022-23, the annual total cost per inmate was \$37,758 of which \$34,570 was state funded. SCDC expects to manage any expenditure impact due to this bill with existing General Fund appropriations. If this bill results in a substantial increase in incarcerations, Corrections will request an increase in General Fund Appropriations.

### **State Revenue**

This bill modifies the penalty schedule for the offense of unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year and removes the option for the levy of a fine. As such, it has the potential to decrease General Fund and Other Funds revenue. However, as the number of such offenses that might occur in a given year is unknown, the General Fund and Other Funds revenue impact is undetermined.

SLED reports that the implementation of this bill will have no revenue impact, as the passage of Act No. 66 in 2021 removed the requirement that a person pay SLED a \$50 application fee for a concealed weapon permit.

### **Local Expenditure**

The Revenue and Fiscal Affairs Office surveyed county governments, as well as MASC, as to determine what impact the bill would have on local expenditures. MASC, Florence County, and Horry County provided responses. MASC indicates it anticipates local law enforcement will experience an increase in the number of calls for service, which may result in a need to hire more officers. In addition, MASC reports cities will likely see increases in liability insurance premiums and court costs. These things, along with other factors, are expected to create an undetermined increase in expenses for municipalities. Horry County reports that it would need to hire an additional property and evidence custodian to track weapons that are presented to the county sheriff's department. The county indicates this hire will cost \$76,929 annually beginning in FY 2023-24. Florence County reports the implementation of the bill will have an undetermined impact and will provide for additional work for crime scene investigation.

### **Local Revenue**

This bill modifies the penalty schedule for the offense of unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year and removes the option for the levy of a fine. As such, it has the potential to decrease local revenue from fines for such an offense. However, as the number of such offenses that might occur in a given year is unknown, the local revenue impact is undetermined.

## **Amended by the House of Representatives on February 23, 2023**

### **State Expenditure**

This bill as amended creates the South Carolina Constitutional Carry/Second Amendment Preservation Act of 2023, which makes a number of changes related to the lawful carry of a firearm in South Carolina.

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 does not need a concealed weapon permit to 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 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. A person who is not otherwise prohibited by law from carrying a firearm may lawfully store it anywhere in a vehicle, whether occupied or unoccupied.

The bill also removes the requirement that a person who has turned over a gun he has found to a law enforcement agency file an application to have the gun returned to him if desired. In addition, the bill requires a law enforcement agency to retain a handgun that has been turned in by a person who is prohibited under state or federal law from possessing or receiving a handgun and allows the agency to dispose of any gun not reclaimed or returned by sale.

The bill also 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 a 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 within 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 a person who has lost his concealed weapon permit identification card or had his card stolen to report the loss within forty-eight hours of the time the holder becomes aware of the loss. The bill also requires an owner or other person in lawful possession of a

firearm, rifle, or shotgun whose weapon is lost or stolen to report the event to the appropriate local law enforcement agency within thirty days of the discovery.

The bill also authorizes a public or private employer to either allow or disallow the carry of firearms onto the premises of the business and to post signage regarding the prohibition or allowance of weapons on the premises.

Additionally, the bill removes the requirement that a person possess a concealed weapon permit to carry a weapon on the leased premises of an elementary or secondary school if a church leases those premises for church services or official church activities, provided that express permission has been granted by the appropriate church official or governing body. The bill also repeals Sections 16-23-460 (*Carrying concealed weapons; forfeiture of weapons*), 23-31-225 (*Carrying concealed weapons into residences or buildings*), and 23-31-230 (*Carrying concealed weapons on premises of certain schools leased by churches*).

Section 16-23-500(A) makes it unlawful for persons who are convicted of violent offenses to possess a firearm or ammunition within the state. The bill removes the reference to violent offenses and replaces it with the term “crime punishable by a maximum term of imprisonment of more than one year,” and it expands the penalty structure for this felony offense, as shown below:

<b>Section 16-23-500(A) Current Penalty Schedule</b>
<b>Any Level Offense</b>
Fine of ≤\$2,000, imprisonment for ≤10 years, or both
<b>Section 16-23-500(A) Expanded Penalty Schedule</b>
<b>1st Offense - Felony</b>
Imprisonment for ≤5 years
<b>2nd Offense - Felony</b>
Mandatory imprisonment for at least 5 years but not more than 20 years
<b>3rd or Subsequent Offense - Felony</b>
Mandatory imprisonment for at least 10 years but not more than 30 years

The bill does provide for the following exceptions to the ban on the possession of firearms or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year:

- any offense in this state or another jurisdiction pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses;
- any offense classified by the laws of this state or another jurisdiction as a misdemeanor and punishable by a term of imprisonment of five years or fewer; and
- any crime for which the conviction has been expunged or set aside for which the person has been pardoned or has had his civil rights restored, unless expressly provided otherwise.



Additionally, the bill enables persons who are convicted of a first offense violation for unlawful possession of a firearm or weapon—whereby the penalty is imprisonment for not more than one year or a fine of one thousand dollars, or both—to apply for expungement of their records if three years have passed since the conviction.

The bill also enables active county clerks of court who possess a concealed weapon permit to carry a concealable weapon anywhere in the State.

**Judicial.** This bill enacts the “South Carolina Constitutional Carry/Second Amendment Preservation Act of 2023,” which amends a number of offenses involving the carry of a firearm, repeals certain carry offenses, and expands the penalty schedule for the unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment. The following table provides the number of filings related to the offenses in the bill for reference.

<b>Criminal Data Report (CDR) Code-Description</b>	<b>Total Filings in 2022</b>
0043-Carry concealed weapon, not a pistol (e.g., dirk, metal knuckles, etc.)	10
0044-Unlawful carrying of pistol	6,185
0300-Carrying or displaying firearms in public buildings or adjacent areas	26
0543-Carrying concealable weapon on posted places	1
0615-Carrying weapons on school property	43
1104-Carrying or discharging firearm or explosive on Capitol grounds or buildings	1
2007-Unlawful act in state park	0
2504-Concealable weapon permit not in possession, failure to report loss or theft	1
2505-Carrying concealable weapon into certain restricted places	0
2507-Carrying concealed weapon into residence/dwelling without permission of owner	0
3757-Unlawful consumption of alcohol while carrying concealed weapon	4

This bill may decrease the general sessions, magistrate, and municipal courts caseloads for the offenses listed in the chart above; however, there are 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 bill. It is anticipated that these changes will have a minimum impact on Judicial and can be managed using existing General Fund resources.

**Commission on Prosecution Coordination.** The Commission reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Commission on Indigent Defense.** The Commission reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**State Law Enforcement Agency.** SLED reports this bill will have no expenditure impact 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 because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Department of Corrections.** This bill expands the penalty schedule for unlawful possession of firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year and provides for longer terms of imprisonment. This may modify how long an inmate may be incarcerated. According to SCDC, in FY 2021-22, the annual total cost per inmate was \$32,247, of which \$30,044 was state funded, and the marginal cost per inmate was \$4,836, of which \$4,830 was state funded. However, SCDC expects to manage any expenditure impact using existing General Fund appropriations.

### **State Revenue**

This bill modifies the penalty schedule for the offense of unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year and removes the option for the levy of a fine. As such, it has the potential to decrease General Fund and Other Funds revenue. However, as the number of such offenses that might occur in a given year is unknown, the General Fund and Other Funds revenue impact is undetermined.

SLED reports that the implementation of this bill will have no revenue impact, as the passage of Act No. 66 in 2021 removed the requirement that a person pay SLED a \$50 application fee for a concealed weapon permit.

### **Local Expenditure**

The Revenue and Fiscal Affairs Office surveyed county governments, as well as MASC, as to determine what impact the bill would have on local expenditures. MASC and Horry County provided responses. MASC indicates it anticipates local law enforcement will experience an increase in the number of calls for service, which may result in a need to hire more officers. In addition, MASC reports cities will likely see increases in liability insurance premiums and court costs. These things, along with other factors, are expected to create an undetermined increase municipalities. Horry County reports that it would need to hire an additional property and evidence custodian to track weapons that are presented to the county sheriff's department. The county indicates this hire will cost \$76,929 annually beginning in FY 2023-24.

## **Local Revenue**

This bill modifies the penalty schedule for the offense of unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year and removes the option for the levy of a fine. As such, it has the potential to decrease local revenue from fines for such an offense. However, as the number of such offenses that might occur in a given year is unknown, the local revenue impact is undetermined.

## **Amended by House Judiciary on February 16, 2023**

### **State Expenditure**

This bill as amended creates the South Carolina Constitutional Carry/Second Amendment Preservation Act of 2023, which makes a number of changes related to the lawful carry of a firearm in South Carolina.

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 does not need a concealed weapon permit to 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 specified 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 also removes the requirement that a person who has turned over a gun he has found to a law enforcement agency file an application to have the gun returned to him if desired. In addition, the bill requires a law enforcement agency to retain a handgun that has been turned in by a person who is prohibited under state or federal law from possessing or receiving a handgun and allows the agency to dispose of any gun not reclaimed or returned by sale.

The bill also 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 a 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 within 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 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 and to post signage regarding the prohibition or allowance of weapons on the premises.

Additionally, the bill removes the requirement that a person possess a concealed weapon permit to carry a weapon on the leased premises of an elementary or secondary school if a church leases those premises for church services or official church activities, provided that express permission has been granted by the appropriate church official or governing body. The bill also repeals Sections 16-23-460 (*Carrying concealed weapons; forfeiture of weapons*), 23-31-225 (*Carrying concealed weapons into residences or buildings*), and 23-31-230 (*Carrying concealed weapons on premises of certain schools leased by churches*).

Section 16-23-500(A) makes it unlawful for persons who are convicted of violent offenses to possess a firearm or ammunition within the state. The bill removes the reference to violent offenses and replaces it with the term “crime punishable by a maximum term of imprisonment of more than one year,” and it expands the penalty structure for this felony offense, as shown below:

<b>Section 16-23-500(A) Current Penalty Schedule</b>
<b>Any Level Offense</b>
Fine of ≤\$2,000, imprisonment for ≤10 years, or both
<b>Section 16-23-500(A) Expanded Penalty Schedule</b>
<b>1st Offense</b>
Imprisonment for ≤5 years
<b>2nd Offense</b>
Mandatory imprisonment for at least 5 years but not more than 20 years
<b>3rd or Subsequent Offense</b>
Mandatory imprisonment for at least 10 years but not more than 30 years

The bill does provide for the following exceptions to the ban on the possession of firearms or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year:

- Any offense in this state or another jurisdiction pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses;

- Any offense classified by the laws of this state or another jurisdiction as a misdemeanor and punishable by a term of imprisonment of five years or fewer; and
- Any crime for which the conviction has been expunged or set aside for which the person has been pardoned or has had his civil rights restored, unless expressly provided otherwise.

Additionally, the bill enables persons who are convicted of a first offense violation for unlawful possession of a firearm or weapon—whereby the penalty is imprisonment for not more than one year or a fine of one thousand dollars, or both—to apply for expungement of their records if three years have passed since the conviction.

The bill also enables active county clerks of court who possess a concealed weapon permit to carry a concealable weapon anywhere in the State.

**Judicial.** This bill enacts the “South Carolina Constitutional Carry/Second Amendment Preservation Act of 2023,” which amends a number of offenses involving the carry of a firearm, repeals certain carry offenses, and expands the penalty schedule for the unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment. The table below provides the number of filings related to the offenses in the bill for reference.

<b>Criminal Data Report (CDR) Code-Description</b>	<b>Total Filings in 2022</b>
0043-Carry concealed weapon, not a pistol (e.g., dirk, metal knuckles, etc.)	10
0044-Unlawful carrying of pistol	6,185
0300-Carrying or displaying firearms in public buildings or adjacent areas	26
0543-Carrying concealable weapon on posted places	1
0615-Carrying weapons on school property	43
1104-Carrying or discharging firearm or explosive on Capitol grounds or buildings	1
2007-Unlawful act in state park	0
2504-Concealable weapon permit not in possession, failure to report loss or theft	1
2505-Carrying concealable weapon into certain restricted places	0
2507-Carrying concealed weapon into residence/dwelling without permission of owner	0
3757-Unlawful consumption of alcohol while carrying concealed weapon	4

This bill may decrease the general sessions, magistrate, and municipal courts caseloads for the offenses listed in the chart above; however, there are 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 bill. The data that Judicial can provide would be total filings; however, some of the above filings would not be impacted by the bill. It is anticipated that these changes will have a minimum impact on Judicial and can be managed using existing General Fund resources.

**Commission on Prosecution Coordination.** The Commission reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Commission on Indigent Defense.** The Commission reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**State Law Enforcement Agency.** SLED reports this bill will have no expenditure impact 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 because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Department of Corrections.** This bill expands the penalty schedule for unlawful possession of firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year and provides for longer terms of imprisonment. Due to variations in patterns of sentencing and convictions, the expenditure impact of the bill on SCDC is undetermined. According to SCDC, in FY 2021-22, the annual total cost per inmate was \$32,247, \$30,044 of which was state funded, and the marginal cost per inmate was \$4,836, \$4,830 of which was state funded. SCDC expects to manage any expenditure impact using existing General Fund appropriations.

### **Local Expenditure**

The Revenue and Fiscal Affairs Office surveyed county governments, as well as MASC, as to whether implementation of the bill would result in an expenditure impact. MASC and Horry County provided responses. MASC indicates it anticipates an increase in the number of calls for service, which will result in a need to hire more officers. In addition, MASC reports cities will likely see increases in liability insurance premiums and court costs. These things, along with other factors, are expected to create an expenditure impact of an undetermined amount for municipalities. Horry County reports that it would need to hire an additional property and evidence custodian to track weapons that are presented to the county sheriff's department. The county indicates this hire will cost \$76,929 annually beginning in FY 2023-24.

### **State Revenue**

This bill modifies the penalty schedule for the offense of unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year and removes the option for the levy of a fine. As such, it has the potential to decrease General Fund revenue from fines, as well as Other Funds revenue of Judicial and other applicable agencies who receive a distribution from fine revenue for such an offense. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.

SLED reports that the implementation of this bill will have no revenue impact, as the passage of Act No. 66 in 2021 removed the requirement that a person pay SLED a \$50 application fee for a concealed weapon permit.

**Local Revenue**

This bill modifies the penalty schedule for the offense of unlawful possession of a firearm or ammunition by a person convicted of a crime punishable by a maximum term of imprisonment of more than one year and removes the option for the levy of a fine. As such, it has the potential to decrease General Fund revenue from fines, as well as Other Funds revenue of local agencies who receive a distribution from fine revenue for such an offense. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.



Frank A. Rainwater, Executive Director