



**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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**Bill Number:** S. 0109      Introduced on January 10, 2023  
**Author:** Martin  
**Subject:** S.C. Constitutional Carry Act of 2023  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** March 27, 2023

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### **Fiscal Impact Summary**

This bill creates the South Carolina Constitutional Carry Act of 2023, which removes the requirement that a person must possess a concealed weapon permit in order to carry or store a firearm in certain locations and repeals certain unlawful carry offenses.

Judicial reports that it expects to manage any expenditure impact resulting from implementation of the bill using existing General Fund appropriations. Additionally, the Commission on Indigent Defense, Commission on Prosecution Coordination, and Department of Public Safety report that implementation of the bill will have no expenditure impact since these agencies will administer policies resulting from the bill using existing staff and resources.

This bill repeals two sections of law authorizing assessment of penalties and/or ordering terms of imprisonment for certain offenders. Implementation of the bill is expected to reduce General Fund fine revenue, Other Funds fine revenue, and local fine revenue and will eliminate the need for the offenders to be held in a local detection center. As there are no data to estimate the total number of convictions that will be eliminated, any State or local revenue impact related to fines and any cost savings for local detention facilities are undetermined.

### **Explanation of Fiscal Impact**

#### **Introduced on January 10, 2023**

#### **State Expenditure**

This bill creates the South Carolina Constitutional Carry 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 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 employed as private detectives or private investigators), employees of law enforcement or correctional facilities, 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 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.

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.

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*).

**Judicial.** This bill enacts the South Carolina Constitutional Carry Act of 2023, which amends a number of offenses involving the carry of a firearm and repeals certain carry offenses. 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. 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.

### **Local Expenditure**

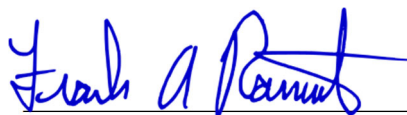
This bill repeals two sections of law authorizing assessment of penalties against and/or ordering terms of imprisonment for certain offenders and will eliminate the need for the offenders to be held in a local detention center. Any cost savings for local detention facilities are undetermined.

**State Revenue**

This bill repeals two sections of law authorizing assessment of penalties against certain offenders. Implementation of the bill is expected to reduce General Fund fine revenue and Other Funds fine revenue. As there are no data to estimate the total number of convictions that will be eliminated, any State revenue impact related to fines is undetermined.

**Local Revenue**

This bill repeals two sections of law authorizing assessment of penalties against and/or ordering terms of imprisonment for certain offenders. Implementation of the bill is expected to reduce local fine revenue and will eliminate the need for the offenders to be held in a local detection center. As there are no data to estimate the total number of convictions that will be eliminated, any local revenue impact related to fines



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