**South Carolina General Assembly**

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**H. 5097**

**STATUS INFORMATION**

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Summary: Law Abiding Citizens Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

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**VERSIONS OF THIS BILL**

[3/28/2012](file:///p:\pprever\2011-12\5097_20120328.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “LAW ABIDING CITIZENS PROTECTION ACT OF 2012”, BY ADDING SECTION 16‑23‑510 SO AS TO PROVIDE A LIST OF LOCATIONS WHERE CERTAIN PERSONS ARE PROHIBITED FROM CARRYING A HANDGUN; TO AMEND SECTION 16‑23‑20, AS AMENDED, RELATING TO THE UNLAWFUL CARRYING OF HANDGUNS, SO AS TO REVISE THE CIRCUMSTANCES THAT CONSTITUTE THE UNLAWFUL CARRYING OF A HANDGUN; TO AMEND SECTION 16‑23‑420, AS AMENDED, RELATING TO THE POSSESSION OF A FIREARM ON SCHOOL PROPERTY, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH A PERSON CAN CARRY A FIREARM ON SCHOOL PROPERTY; TO AMEND SECTION 16‑23‑430, AS AMENDED, RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTY, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH A PERSON MAY CARRY A WEAPON ON SCHOOL PROPERTY; TO AMEND SECTION 16‑23‑460, AS AMENDED, RELATING TO THE UNLAWFUL CARRYING OF A DEADLY WEAPON, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH IT IS UNLAWFUL TO CARRY A DEADLY WEAPON; TO AMEND SECTION 16‑23‑465, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING A PISTOL OR FIREARM ONTO THE PREMISES OF CERTAIN BUSINESSES THAT SELL ALCOHOLIC BEVERAGES, SO AS TO DELETE THE REFERENCE TO PENALTIES ASSOCIATED WITH THE OFFENSES OF ROBBERY AND ATTEMPTED ROBBERY WHILE ARMED WITH A DEADLY WEAPON AND THE UNLAWFUL CARRYING OF CERTAIN CONCEALED DEADLY WEAPONS, TO DELETE THE PROVISION THAT REVOKES THE CONCEALED WEAPONS PERMIT OF A PERSON WHO VIOLATES THIS SECTION, TO REDUCE THE PENALTY FOR A VIOLATION OF THIS PROVISION, TO PROVIDE THAT THE PENALTIES IN THIS SECTION ARE IN ADDITION TO THOSE ASSOCIATED WITH THE OFFENSES OF ENTERING A PREMISES AFTER BEING WARNED NOT TO OR FAILING TO LEAVE A PREMISES AFTER BEING ASKED TO LEAVE, AND THE UNLAWFUL CARRYING OF A CONCEALED WEAPON ONTO A PREMISES BY A PERSON WHO HAS BEEN ISSUED A CONCEALED WEAPONS PERMIT, AND TO REVISE THE CIRCUMSTANCE IN WHICH THIS SECTION APPLIES; TO AMEND SECTION 23‑31‑10, RELATING TO THE PURCHASE OF A RIFLE OR SHOTGUN IN A CONTIGUOUS STATE, SO AS TO DELETE THE TERM “CONTIGUOUS STATE” AND REPLACE IT WITH THE TERM “ANOTHER STATE”; TO AMEND SECTION 23‑31‑215, AS AMENDED, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO DELETE THE PROVISION THAT REQUIRES A PERMIT HOLDER TO HAVE HIS IDENTIFICATION CARD IN HIS POSSESSION WHENEVER HE CARRIES A CONCEALABLE WEAPON AND INFORM A LAW ENFORCEMENT OFFICER THAT HE IS A PERMIT HOLDER UNDER CERTAIN CIRCUMSTANCES, TO REVISE THE LOCATIONS UPON WHICH IT IS LAWFUL TO CARRY A CONCEALABLE WEAPON WITH AND WITHOUT A PERMIT, AND TO REVISE THE CIRCUMSTANCES UPON WHICH A VALID OUT‑OF‑STATE PERMIT TO CARRY A CONCEALABLE WEAPON MUST BE HONORED; TO AMEND SECTIONS 23‑31‑220 AND 23‑31‑225, RELATING TO THE CARRYING OF CONCEALABLE WEAPONS UPON THE PREMISES OF A BUSINESS OR A RESIDENCE, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH IT IS LAWFUL TO CARRY A CONCEALABLE WEAPON ON THESE PREMISES; AND TO REPEAL SECTION 23‑31‑180 RELATING TO PROHIBITIONS AGAINST THE HOLDING, STORING, HANDLING, AND SELLING OF A HANDGUN WHICH HAS A DIE‑CAST METAL ALLOY FRAME OR RECEIVER THAT MELTS AT LESS THAN EIGHT HUNDRED DEGREES FAHRENHEIT.

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

SECTION 1. This act may be cited as the “Law Abiding Citizens Protection Act of 2012”.

SECTION 2. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16‑23‑510. (A) Except as provided in subsection (D), no person, whether the person has a concealed weapons permit or not, shall carry a handgun, whether concealed or not, into any of the following places without the permission of the owner or a person in control of the premises:

(1) a police, sheriff, or highway patrol station or any other law enforcement office or facility;

(2) a detention facility, prison, or jail or any other correctional facility or office;

(3) a courthouse or courtroom;

(4) a polling place on election days;

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

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

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

(8) a daycare facility or a preschool facility.

(B) A person who wilfully violates subsection (A) is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court, and shall have any permit issued to him under Article 4, Chapter 31 revoked for five years.

(C) When carrying a handgun, whether concealed or not, a person must inform a law enforcement officer of the fact he is carrying a handgun when an officer (1) initiates an investigatory stop of the person (including, but not limited to, a traffic stop); (2) identifies himself as a law enforcement officer; and (3) requests identification or a driver’s license from the person.

(D) The provisions of subsection (A) do not apply to peace officers in the actual discharge of their duties.”

SECTION 3. Section 16‑23‑20 of the 1976 Code, as last amended by Act 28 of 2007, is further amended to read:

“Section 16‑23‑20. (A) It is unlawful for anyone to carry about the person any handgun, whether concealed or not, ~~except as follows, unless otherwise specifically prohibited by law:~~ with the intent to use the handgun unlawfully against another person. The intent to use a handgun unlawfully against another person shall not be inferred from the mere possession, carrying, or concealment of the handgun, whether it is loaded or unloaded.

(B) No person shall carry a handgun off of any real property the person occupies as a resident, owns, or leases if the person is under twenty‑one years of age or carries the handgun in a manner that openly exposes it to common observation, with the following exceptions:

(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 employed as private detectives or private investigators;

(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~~ a home or real property;

(9) a person under twenty‑one years of age 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; or

(b) 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 a place of concealment on or about 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~~ a person who has obtained 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~~ 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~~.~~;

(17) a person who possesses or exposes the handgun while in justified defense of self, property, or another; or

(18) a person who is over twenty‑one years old or who is carrying in accordance with subitem (9)(b) of this section and who inadvertently exposes to another person a handgun in a holster or other retention device that the person intended to keep concealed on or about his person.”

SECTION 4. Section 16‑23‑420 of the 1976 Code, as last amended by Act 32 of 2009, is further amended to read:

“Section 16‑23‑420. (A) It is unlawful for a person to knowingly 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 that remains concealed from common observation 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~~ either possessed by a person with a valid permit issued pursuant to Article 4, Chapter 31 or is not loaded and in a locked container or a locked firearms rack that is in or on the motor vehicle. The provisions of this section related to publicly owned buildings do not apply to any portion of the property leased to an individual or a business or to the occupants or invitees of such leased premises during reasonable ingress to or egress from the leased premises.

(B) It is unlawful for a person to ~~enter the~~ threaten other persons with a firearm on 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 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 5. Section 16‑23‑430 of the 1976 Code, as last amended by Act 32 of 2009, is further amended to read:

“Section 16‑23‑430. (A) It shall be unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, firearms, or any other type of weapon, device, or object which may be used to inflict bodily injury or death.

(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 that remains concealed from common observation 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~~ and in the case of a firearm, is either possessed by a person with a valid permit issued pursuant to Article 4, Chapter 31 or is not loaded and in a locked container or a locked firearm rack that is in or on the motor vehicle.

(C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both. Any weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest.”

SECTION 6. Section 16‑23‑460 of the 1976 Code, as last amended by Act 337 of 2008, is further amended to read:

“Section 16‑23‑460. ~~(A)~~ A person carrying a deadly weapon ~~usually used for the infliction of personal injury~~ concealed about his person with the intent to use the weapon unlawfully against another person is guilty of a misdemeanor, must forfeit to the county, or, if convicted in a municipal court, to the municipality, the concealed weapon, and must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days. The intent to use a weapon unlawfully against another person shall not be inferred by the mere possession, carrying, or concealment of the weapon, including the possession, carrying or concealment of a loaded or unloaded firearm. In the case of handguns, violations shall be determined by the provisions contained in Section 16‑23‑20(A).

~~(B)~~ ~~The provisions of this section do not apply to:~~

~~(1)~~ ~~A person carrying a concealed weapon upon his own premises or pursuant to and in compliance with Article 4, Chapter 31 of Title 23; or~~

~~(2)~~ ~~peace officers in the actual discharge of their duties.~~

~~(C)~~ ~~The provisions of this section also do not apply to rifles, shotguns, dirks, slingshots, metal knuckles, knives, or razors unless they are used with the intent to commit a crime or in furtherance of a crime.~~”

SECTION 7. Section 16‑23‑465 of the 1976 Code, as last amended by Act 274 of 2002, is further amended to read:

“Section 16‑23‑465. In addition to the penalties provided for by Sections ~~16‑11‑330 and 16‑23‑460 and by Article 1 of Chapter 23 of Title 16,~~ 16‑11‑620 and 23‑31‑220 a person ~~convicted of carrying a pistol or 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 ~~three~~ two years, or both, when the person:

(1) carries a firearm into any business which sells alcoholic liquor, beer, or wine for consumption on the premises and which at the time of the offense was clearly and conspicuously posted in accordance with Section 23‑31‑220;

(2) carries a firearm in any business which sells alcoholic liquor, beer, or wine for consumption on the premises and refuses to leave or to remove the firearm from the premises when asked to do so by a person legally in control of the premises; or

(3) consumes alcohol while carrying a firearm in any business which sells alcoholic liquor, beer, or wine for consumption on the premises.

~~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.~~”

SECTION 8. Section 23‑31‑10 of the 1976 Code is amended to read:

“Section 23‑31‑10. ~~Any~~ A resident of this State including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in ~~a contiguous~~ another state and transport or receive ~~the same~~ it in this State; provided, that the sale meets the lawful requirements of each such state, meets all lawful requirements of any Federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.”

SECTION 9. Section 23‑31‑215 of the 1976 Code, as last amended by Act 349 of 2008, is further amended to read:

“Section 23‑31‑215. (A) Notwithstanding any other provision of law, except ~~subject to~~ subsection (B) of this section, SLED must issue a permit, which is no larger than three and one‑half inches by three inches in size, to carry a concealable weapon to a resident or qualified nonresident who is at least twenty‑one years of age and who is not prohibited by state law from possessing the weapon upon submission of:

(1) a completed application signed by the person;

(2) one current full face color photograph of the person, not smaller than one inch by one inch nor larger than three inches by five inches;

(3) proof of residence or if the person is a qualified nonresident, proof of ownership of real property in this State;

(4) proof of actual or corrected vision rated at 20/40 within six months of the date of application or, in the case of a person licensed to operate a motor vehicle in this State, presentation of a valid driver’s license;

(5) proof of training;

(6) payment of a fifty‑dollar application fee. This fee must be waived for disabled veterans and retired law enforcement officers; and

(7) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant’s fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed five dollars for fingerprinting an applicant.

(B) Upon submission of the items required by subsection (A) of this section, SLED must conduct or facilitate a local, state, and federal fingerprint review of the applicant. SLED must also conduct a background check of the applicant through notification to and input from the sheriff of the county where the applicant resides or if the applicant is a qualified nonresident, where the applicant owns real property in this State. The sheriff within ten working days after notification by SLED, must submit a recommendation on an application. Before making a determination whether or not to issue a permit under this article, SLED must consider the recommendation provided pursuant to this subsection. The failure of the sheriff to submit a recommendation within the ten‑day period constitutes a favorable recommendation for the issuance of the permit to the applicant. If the fingerprint review and background check are favorable, SLED must issue the permit.

(C) SLED shall issue a written statement to an unqualified applicant specifying its reasons for denying the application within ninety days from the date the application was received; otherwise, SLED shall issue a concealable weapon permit. If an applicant is unable to comply with the provisions of Section 23‑31‑210(4), SLED shall offer the applicant a handgun training course that satisfies the requirements of Section 23‑31‑210(4)(a). The course shall cost fifty dollars. SLED shall use the proceeds to defray the training course’s operating costs. If a permit is granted by operation of law because an applicant was not notified of a denial within the ninety‑day notification period, the permit may be revoked upon written notification from SLED that sufficient grounds exist for revocation or initial denial.

(D) Denial of an application may be appealed. The appeal must be in writing and state the basis for the appeal. The appeal must be submitted to the Chief of SLED within thirty days from the date the denial notice is received. The chief shall issue a written decision within ten days from the date the appeal is received. An adverse decision shall specify the reasons for upholding the denial and may be reviewed by the Administrative Law Judge Division pursuant to Article 5, Chapter 23 of Title 1, upon a petition filed by an applicant within thirty days from the date of delivery of the division’s decision.

(E) SLED must make permit application forms available to the public. A permit application form shall require an applicant to supply:

(1) name, including maiden name if applicable;

(2) date and place of birth;

(3) sex;

(4) race;

(5) height;

(6) weight;

(7) eye and hair color;

(8) current residence address, or if the applicant is a qualified nonresident, current residence address and where the applicant owns real property in this State; and

(9) all residence addresses for the three years preceding the application date.

(F) The permit application form shall require the applicant to certify that:

(1) he is not a person prohibited under state law from possessing a weapon;

(2) he understands the permit is revoked and must be surrendered immediately to SLED if the permit holder becomes a person prohibited under state law from possessing a weapon;

(3) he is a resident of this State, is military personnel on permanent change of station orders, or is a qualified nonresident; and

(4) all information contained in his application is true and correct to the best of his knowledge.

(G) Medical personnel, law enforcement agencies, organizations offering handgun education courses pursuant to Section 23‑31‑210(4)(a), and their personnel, who in good faith provide information regarding a person’s application, must be exempt from liability that may arise from issuance of a permit; provided, however, a weapons instructor must meet the requirements established in Section 23‑31‑210(4)(b), (c), (d), (e), or (f) in order to be exempt from liability under this subsection.

(H) A permit application must be submitted in person or by mail to SLED headquarters which shall verify the legibility and accuracy of the required documents.

(I) SLED must maintain a list of all permit holders and the current status of each permit. SLED may release the list of permit holders or verify an individual’s permit status only if the request is made by a law enforcement agency to aid in an official investigation, or if the list is required to be released pursuant to a subpoena or court order. SLED may charge a fee not to exceed its costs in releasing the information under this subsection. Except as otherwise provided in this subsection, a person in possession of a list of permit holders obtained from SLED must destroy the list.

(J) A permit is valid statewide unless revoked because the person has:

(1) become a person prohibited under state law from possessing a weapon;

(2) moved his permanent residence to another state and no longer owns real property in this State;

(3) voluntarily surrendered the permit; or

(4) been charged with an offense that, upon conviction, would prohibit the person from possessing a firearm. However, if the person subsequently is found not guilty of the offense, then his permit must be reinstated at no charge.

Once a permit is revoked, it must be surrendered to a sheriff, police department, a SLED agent, or by certified mail to the Chief of SLED. A person who fails to surrender his permit in accordance with this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty‑five dollars.

(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 of Chapter 31 of 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.

(L) SLED shall issue a replacement for lost, stolen, damaged, or destroyed permit identification cards after the permit holder has updated all information required in the original application and the payment of a five‑dollar replacement fee. Any change of permanent address must be communicated in writing to SLED within ten days of the change accompanied by the payment of a fee of five dollars to defray the cost of issuance of a new permit. SLED shall then issue a new permit with the new address. A permit holder’s failure to notify SLED of a change of permanent address in accordance with this subsection constitutes a misdemeanor punishable by a twenty‑five dollar fine. The original permit shall remain in force until receipt of the corrected permit identification card by the permit holder, at which time the original permit must be returned to SLED.

(M) ~~A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a:~~

~~(1)~~ ~~police, sheriff, or highway patrol station or any other law enforcement office or facility;~~

~~(2)~~ ~~detention facility, prison, or jail or any other correctional facility or office;~~

~~(3)~~ ~~courthouse or courtroom;~~

~~(4)~~ ~~polling place on election days;~~

~~(5)~~ ~~office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;~~

~~(6)~~ ~~school or college athletic event not related to firearms;~~

~~(7)~~ ~~daycare facility or pre‑school facility;~~

~~(8)~~ ~~place where the carrying of firearms is prohibited by federal law;~~

~~(9)~~ ~~church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body; or~~

~~(10)~~ ~~hospital, medical clinic, doctor’s office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer.~~

~~A person who wilfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year, or both, at the discretion of the court and have his permit revoked for five years.~~

Nothing contained herein may be construed to alter or affect the provisions of Sections 10‑11‑320, 16‑23‑420, 16‑23‑430, 16‑23‑465, 16‑23‑510, 44‑23‑1080, 44‑52‑165, ~~50‑9‑830,~~ and 51‑3‑145, unless specifically provided in the section.

(N) Valid out‑of‑state permits to carry concealable weapons held by a resident of ~~a reciprocal state~~ another state must be honored by this State~~, provided, that the reciprocal state requires an applicant to successfully pass a criminal background check and a course in firearm training and safety. A resident of a reciprocal state carrying a concealable weapon in South Carolina is subject to and must abide by the laws of South Carolina regarding concealable weapons. SLED shall maintain and publish a list of those states as the states with which South Carolina has reciprocity~~.

(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”;~~

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

(P) A permit issued pursuant to this article is valid for four years. Subject to subsection (Q) of this section, SLED shall renew a currently valid permit upon:

(1) payment of a fifty‑dollar renewal fee by the applicant. This fee must be waived for disabled veterans and retired law enforcement officers;

(2) completion of the renewal application; and

(3) submission of a photocopy of the applicant’s valid South Carolina driver’s license or South Carolina identification card, or if the applicant is a qualified nonresident, a photocopy of the applicant’s valid driver’s license or identification card issued by the state in which the applicant resides.

(Q) Upon submission of the items required by subsection (P) of this section, SLED must conduct or facilitate a local, state, and federal fingerprint review of the applicant. If the background check ~~is favorable~~ reveals no information which would be disqualifying under the provisions of this section, SLED must renew the permit.

(R) No provision contained within this article shall expand, diminish, or affect the duty of care owed by and liability accruing to, as may exist at law immediately before the effective date of this article, the owner of or individual in legal possession of real property for the injury or death of an invitee, licensee, or trespasser caused by the use or misuse by a third party of a concealable weapon. Absence of a sign prohibiting concealable weapons shall not constitute negligence or establish a lack of duty of care.

(S) Once a concealed weapon permit holder is no longer a resident of this State or is no longer a qualified nonresident, his concealed weapon permit is void, and immediately must be surrendered to SLED.

(T) During the first quarter of each calendar year, SLED must publish a report of the following information regarding the previous calendar year:

(1) the number of permits;

(2) the number of permits that were issued;

(3) the number of permit applications that were denied;

(4) the number of permits that were renewed;

(5) the number of permit renewals that were denied;

(6) the number of permits that were suspended or revoked; and

(7) the name, address, and county of a person whose permit was revoked, including the reason for the revocation under Section 23‑31‑215(J)(1).

The report must include a breakdown of such information by county.”

SECTION 10. Section 23‑31‑220 of the 1976 Code is amended to read:

“Section 23‑31‑220. Nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a public or private employer to prohibit a person, including a person who is licensed under this article, from carrying a concealable weapon upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business;

(2) the right of a private property owner or person in legal possession or control of private property to allow or prohibit the carrying of a concealable weapon including a person who possesses a concealable weapons permit, upon his premises.

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, including 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 not be brought upon the premises or into the work place. A person who brings a concealable weapon onto the premises or work place in violation of the provisions of this paragraph may be charged with a violation of Section 16‑11‑620. In addition to the penalties provided in Section 16‑11‑620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have ~~his~~ any permit issued to him pursuant to this article 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)~~ peace officers engaged in the lawful performance of their official duties.”

SECTION 11. Section 23‑31‑225 of the 1976 Code is amended to read:

“Section 23‑31‑225. No person including a person who holds a permit issued pursuant to Article 4, Chapter 31, Title 23, may carry a concealable weapon into the residence or dwelling place of another person without the express permission of the owner or person in legal control or possession, as appropriate, nor may any person remain on the premises while in possession of the weapon if asked by the owner or person who is in legal control or possession of the premises to leave or to remove the weapon from the premises. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned for not more than one year, or both, at the discretion of the court and have his permit revoked for five years.”

SECTION 12. Section 23‑31‑180 of the 1976 Code is repealed.

SECTION 13. The repeal or amendment by this act of any law, whether temporary or permanent or 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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