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COMMITTEE REPORT

April 9, 2014

**S. 1076**

Introduced by Senators Shealy and Hembree

S. Printed 4/9/14--S.

Read the first time March 4, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1076) to amend Article 8, Chapter 31, Title 23 of the 1976 Code, relating to identification cards issued to and firearm qualification provided for retired law enforcement personnel, etc., respectfully

**REPORT:**

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

C. BRADLEY HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Public Safety

State Law Enforcement Division

The agencies report that this bill will have no fiscal impact on the General Fund of the State, nor on federal and or other funds.

**LOCAL GOVERNMENT IMPACT:**

Pursuant to Section 2-7-76 of the Code of Laws of South Carolina, 1976, the State Budget Division has surveyed members of the FIST Network. One county responded there no impact.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND ARTICLE 8, CHAPTER 31, TITLE 23 OF THE 1976 CODE, RELATING TO IDENTIFICATION CARDS ISSUED TO AND FIREARM QUALIFICATION PROVIDED FOR RETIRED LAW ENFORCEMENT PERSONNEL, BY AMENDING THE SECTION 23‑31‑600(A)(2) TO PROVIDE THAT THE DEFINED TERM IS CONSISTENT WITH FEDERAL LAW, TO AMEND SECTION 23‑31‑600(E) TO REMOVE THE FEE REQUIREMENT FOR ISSUANCE OF AN IDENTIFICATION CARD PURSUANT TO THIS ARTICLE; AND TO MAKE CONFORMING AMENDMENTS.

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

SECTION 1. Section 23‑31‑600 of the 1976 Code is amended to read:

“Article 8.

Identification Cards Issued To And Firearm Qualification Provided For Qualified Retired Law Enforcement Personnel

Section 23‑31‑600. (A) For purposes of this section:

(1) ‘Identification card’ is a photographic identification card complying with 18 U.S.C. Section 926C(d).

(2) ‘Qualified retired law enforcement officer’ ~~means any retired law enforcement officer as defined~~ shall have the same meaning as in 18 U.S.C. Section 926C(c) ~~who at the time of his retirement was certified as a law enforcement officer in this State and who was trained and qualified to carry firearms in the performance of his duties~~.

(B) An agency or department within this State must comply with Section 3 of the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. Section 926C, by issuing an identification card to any person who ~~retired~~ separated from service in good standing from that agency or department and who is a qualified retired law enforcement officer. If the agency or department currently issues credentials to active law enforcement officers, then the agency or department may comply with the requirements of this section by issuing the same credentials to qualified retired law enforcement officers. If the same credentials are issued, then the agency or department must stamp the credentials with the word ‘RETIRED’.

(C)(1) Subject to the limitations of subsection (E), a qualified retired law enforcement officer may carry a concealed weapon in this State if he possesses an identification card issued pursuant to subsection (C) along with a certification that he has, not less recently than one year before the date the individual is carrying the firearm, met the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

(2) The firearms certification required by this subsection may be reflected on the identification card or may be in a separate document carried with the identification card.

(D) The restrictions contained in Sections 23‑31‑220 and 23‑31‑225 are applicable to a person carrying a concealed weapon pursuant to this section.

(E) The agency or department ~~may charge the retired law enforcement officer a reasonable fee for issuing the identification card and~~ must provide the retired officer with the opportunity to qualify to carry a firearm under the same standards for training and qualification for active law enforcement officers to carry firearms. However, the agency or department, as provided in 18 U. S. C. Section 926C(c)(5), may require the retired officer to pay the actual expenses of the training and qualification.”

SECTION 2. This act takes effect upon approval by the Governor.

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