**South Carolina General Assembly**

125th Session, 2023-2024

**S. 109**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Martin, Rice, Kimbrell, Corbin, Climer, Loftis, Verdin, Garrett, Reichenbach and Grooms

Companion/Similar bill(s): 3594, 3612

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate

Summary: S.C. Constitutional Carry Act of 2023

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 63)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 63)

 1/18/2023 Scrivener's error corrected

 2/8/2023 Scrivener's error corrected

 3/30/2023 Senate Referred to Subcommittee: Climer (ch), Sabb,
 Rice, Harpootlian, Adams

 5/9/2023 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 16)

 5/10/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/109_20221201.docx)

[01/18/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/109_20230118.docx)

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/109_20230208.docx)

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[05/10/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/109_20230510.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

May 09, 2023

S. 109

Introduced by Senators Martin, Rice, Kimbrell, Corbin, Climer, Loftis, Verdin and Garrett

S. Printed 05/09/23--S.

Read the first time January 10, 2023

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The committee on Senate Judiciary

To who was referred a Bill (S. 109) to amend the South Carolina Code of Laws by enacting the “South Carolina Constitutional Carry Act of 2023”; by amending Section 10-11-320, relating to carrying or, etc., respectfully

Report:

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

 Amend the bill, by striking all after the enacting words and inserting:

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

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

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

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

 Section 16‑23‑20. (A) It is unlawful, whether or not the person has a concealed weapon permit, for anyone to carry about the person any handgun, whether concealed or not, except as follows, unless otherwise specifically prohibited authorized by law into a:

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

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

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

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

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

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

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

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

 (9) a person in a vehicle if the handgun is:

 (a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance. If the person has been issued a concealed weapon permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment; or

 (b) carried openly or concealed on or about his person, and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;

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

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

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

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

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

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

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

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

 (2) courthouse or courtroom;

 (3) polling place on election day;

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

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

 (6) daycare facility or preschool facility;

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

 (8) church or other established religious sanctuary;

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

 (10) residence or dwelling place of another person; or

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

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

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

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

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

 (4) subject to the limitations of Section 23‑31‑600(D), persons who meet the definition of “qualified retired law enforcement officer” contained in Section 23‑31‑600;

 (5) a person carrying as authorized by Section 23‑31‑240; or

 (6) a person given permission to carry a firearm by the property owner or person in control of the premises or an agent of the owner or person in control of the premises with the authority to give such permission, whether or not the property is posted pursuant to Section 23‑31‑235.

 (C) Nothing contained in this section may be construed to alter or affect the provisions of Sections 10‑11‑320, 16‑23‑30, 16‑23‑420, 16‑23‑430, 16‑23‑465, 44‑23‑1080, 44‑52‑165, and 51‑3‑145, or the ability for a person to obtain a concealed weapon permit as provided for in Section 23‑31‑215.

 (D) Notwithstanding any provision in this section, a person who is not otherwise prohibited by law from carrying a firearm may lawfully store a firearm anywhere in a vehicle whether occupied or unoccupied.

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

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

SECTION 5. Section 16‑23‑55(C) and (D) of the S.C. Code is amended to read:

 (C) After the ninety days have elapsed from publication of the first advertisement, and upon request of the individual who found and turned over the handgun, the agency shall return the handgun to this person if the individual fully completes the application process as described in Section 23‑31‑140 and in federal law, and pays all advertising and other costs incidental to returning the handgun. No handgun may be returned until the individual fully completes the application.

 (D) Upon proper completion of the application, the law enforcement agency shall provide copies of the application in compliance with Section 23‑31‑140Notwithstanding subsection (C), the agency shall not return a handgun to the individual who found and turned it in if that individual is prohibited under state or federal law from possessing or receiving a handgun. The agency may dispose of any handgun that is not reclaimed or returned under this section by sale in accordance with Section 27‑21‑22 and Section 27‑21‑20.

SECTION 6. Section 16‑23‑420 of the S.C. Code is amended to read:

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

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

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

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

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

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

SECTION 7. Section 16‑23‑430 of the S.C. Code is 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 remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

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

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

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

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

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

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

SECTION 9. Section 23-31-215 (K), (M), (O), and (U) of the S.C. Code is amended to read:

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

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

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

 A permit holder immediately must report the loss or theft of a permit identification card to SLED headquarters within forty-eight hours of the time the permit holder knew or reasonably should have known of the loss or theft. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars.

 (M) A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a:any place listed in Section 16-23-20(A) except as permitted by law.

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

 (2) courthouse or courtroom;

 (3) polling place on election days;

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

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

 (6) daycare facility or preschool facility;

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

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

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

 (10) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23-31-220 and 23-31-235. Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary. A person who violates a provision of this item, whether the violation is wilful or not, only may be charged with a violation of Section 16-11-620 and must not be charged with or penalized for a violation of this subsection.

 Except as provided for in item (10), 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.

 Except as provided in Section 16-23-20(A)(11), a person who wilfully violates a provision of this subsection may be charged with a violation of Section 16-23-20 and in addition to the penalties provided in Section 16-23-20, at the discretion of the court, may have his permit revoked for up to five years.

 Nothing contained in this subsection may be construed to alter or affect the provisions of Sections 10-11-320, 16-23-420, 16-23-430, 16-23-465, 44-23-1080, 44-52-165, 50-9-830, and 51-3-145.

 (O)(1) 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);

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

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

 (2) The availability of a permit to carry a concealable weapon under this section must not be construed to prohibit the permitless transport or carrying of a firearm in a vehicle or on or about one’s person, whether openly or concealed, loaded or unloaded, in a manner not prohibited by law.

 (U) A concealable weapon permit holder whose permit has been expired for no more than one year may not be charged with a violation of Section 16-23-20 but must be fined not more than one hundred dollars.

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

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

 (1) the right of a public or private employer to prohibit a person who is licensed under this article otherwise not prohibited by law from possessing a handgun from carrying a concealable weapon, whether concealed or openly carried, upon the premises of the business or work place workplace or while using any machinery, vehicle, or equipment owned or operated by the business; or

 (2) the right of a private property owner or person in legal possession or control to allow or prohibit the carrying of a concealable weapon, whether concealed or openly carried, upon his premises.

 (B) The posting by the employer, owner, or person in legal possession or control of a sign stating “NO CONCEALABLE WEAPONS ALLOWED” shall constitute notice to a person holding a permit issued pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable weapons, whether concealed or openly carried, not be brought upon the premises or into the work place. A person who knowingly brings a concealable weapon, whether concealed or openly carried, onto the premises or work place workplace in violation of the provisions of this paragraph may be charged with a violation of Section 16‑11‑620. In addition to the penalties provided in Section 16‑11‑620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have his permit revoked for a period of one year. The prohibition contained in this section does not apply to persons specified in Section 16‑23‑20, item (B)(1).

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

 (D) This section must not be construed to limit an individual from carrying a concealable weapon pursuant to Section 51‑3‑145(G).

SECTION 11. Section 23‑31‑232(A) of the S.C. Code is amended to read:

 (A) Notwithstanding any other provision of law, upon express permission given by the appropriate church official or governing body, a person who holds a valid permit issued pursuant to this article any person may carry a concealable weapon, whether concealed or openly carried, on the leased premises of an elementary or secondary school if a church leases the school premises or areas within the school for church services or official church activities.

 (1) The provisions contained in this section apply:

 (a) only during those times that the church has the use and enjoyment of the school property pursuant to its lease with the school; and

 (b) only to the areas of the school within the lease agreement, any related parking areas, or any reasonable ingress or egress between these areas.

 (2) A school district may request that a church utilizing school property for its services disclose and notify the school district if persons are, or may be, carrying concealed weapons on the school property.

 (3) The provisions of this section do not apply during any time students are present as a result of a curricular or extracurricular school‑sponsored activity that is taking place on the school property.

SECTION 12. Section 23‑31‑235(B) of the S.C. Code is amended to read:

 (B) All signs must be posted at each entrance into a building where carrying of a concealable weapon permit holder is prohibited from carrying a concealable weapon, whether concealed or openly carried, and must be:

 (1) clearly visible from outside the building;

 (2) eight inches wide by twelve inches tall in size;

 (3) contain the words “NO CONCEALABLE WEAPONS ALLOWED” in black one‑inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

 (4) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty‑five‑degree angle from the horizontal;

 (5) a diameter of a circle; and

 (6) placed not less than forty inches and not more than sixty inches from the bottom of the building's entrance door.

SECTION 13. Section 23‑31‑600(D) of the S.C. Code is amended to read:

 (D) The restrictions contained in Sections Section 23‑31‑220 and 23‑31‑225 are applicable to a person carrying a concealed weapon pursuant to this section. Carrying a concealed weapon into the residence or dwelling place of another person is prohibited without the expressed permission of the owner or person in legal control or possession of the premises, as appropriate.

SECTION 14. Section 51-3-145(G) of the S.C. Code is amended to read:

 (G) Possessing any firearm, airgun, explosive, or firework except by duly authorized park personnel, law enforcement officers, or persons using areas specifically designated by the department for use of firearms, airguns, fireworks, or explosives. Licensed hunters may have firearms in their possession during hunting seasons provided that such firearms are unloaded and carried in a case or the trunk of a vehicle except that in designated game management areas where hunting is permitted, licensed hunters may use firearms for hunting in the manner authorized by law. This subsection shall not apply to a person in possession or carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, and the concealable weapon and its ammunition, as defined in Section 23-31-210(5).

SECTION 15. Sections 16‑23‑460, 23‑31‑225, and 23‑31‑230 of the S.C. Code are repealed.

SECTION 16. Section 23-31-240 of the S.C. Code is amended to read:

 Section 23-31-240. (A) Notwithstanding any other provision contained in this article, the following persons who possess a valid permit pursuant to this article may carry a concealable weapon anywhere within this State:

 (1) active Supreme Court justices;

 (2) active judges of the court of appeals;

 (3) active circuit court judges;

 (4) active family court judges;

 (5) active masters-in-equity;

 (6) active probate court judges;

 (7) active magistrates;

 (8) active municipal court judges;

 (9) active federal judges;

 (10) active administrative law judges;

 (11) active solicitors and assistant solicitors;

 (12) active workers' compensation commissioners; and

 (13) the Attorney General and assistant attorneys general; and

 (14) active County Clerks of Court

 (15) active public defenders and assistant public defenders.

 (B) Notwithstanding the provisions of subsection (A), public defenders and assistant public defenders may not carry a concealable weapon into local or state correctional facility.

SECTION 17. Article 4, Chapter 31, Title 23 of the S.C. Code is amended by adding:

 Section 23-31-245. A person openly carrying a weapon in accordance with this article does not give a law enforcement officer reasonable suspicion or probable cause to search, detain, or arrest the person.

SECTION 18. No provision in this act should be construed as the General Assembly discouraging responsible gun ownership; and the General Assembly, in fact, encourages all gun owners to pursue and receive appropriate gun safety training before carrying a firearm or weapon.

SECTION 19. Article 5, Chapter 23, Title 16 of the S.C. Code is amended by adding:

 Section 16-23-540. (A) An owner or other person who is lawfully in possession of a firearm, rifle, or shotgun in this State who suffers the loss or theft of such weapon shall report, within thirty days of discovery, the loss or theft of each weapon to the appropriate local law enforcement agency, whether local police department or county sheriff's office, which would have appropriate jurisdiction where the weapon is located. In addition, the facts and circumstances of the loss or theft also must be reported to the appropriate law enforcement agency to which the report is made.

SECTION 20. Section 16-23-500 of the S.C. Code is amended to read:

 Section 16-23-500. (A) It is unlawful for a person who has been convicted of a violent crime punishable by a maximum term of imprisonment of more than one year, as defined by Section 16-1-60, that is classified as a felony offense, to possess a firearm or ammunition within this State. However this section does not apply to:

 (1) any offense in this State or another jurisdiction pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

 (2) 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 less; or

 (3) any crime for which the conviction has been expunged, or set aside, or for which a person has been pardoned or has had civil rights restored, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

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

 (1) for a first offense, must be imprisoned not more than five years;

 (2) for a second offense, must be imprisoned for a mandatory minimum of five years, but not more than twenty years; and

 (3) for a third or subsequent offense, must be imprisoned for a mandatory minimum of ten years, but not more than thirty years.

 (C)(1) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy it. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm or ammunition, the division may keep the firearm or ammunition for use by its forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies under the provisions of this section.

 (2) A law enforcement agency that receives a firearm or ammunition pursuant to this section shall administratively release the firearm or ammunition to an innocent owner. The firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally determined. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this section which resulted in the confiscation of the firearm or ammunition. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this section.

 (D) The judge that hears the case involving the violent court with jurisdiction over the offense, as defined by Section 16-1-60, that is classified as a felony offense, as provided in subsection (A), shall make a specific finding on the record that the offense is a violent offense, as defined by Section 16-1-60, and is classified as a felony offense subject to the provisions of this section. A judge's failure to make a specific finding on the record does not bar or otherwise affect prosecution pursuant to this subsection and does not constitute a defense to prosecution pursuant to this subsection.

 (E) A second or subsequent offense for the purpose of this section means the prior offense must be a conviction under Section 16-23-500(A).

SECTION 21. 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 22. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

LUKE RANKIN for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

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.

Criminal Data Report (CDR) Code-Description Total Filings in

 2022

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 1

buildings

2007-Unlawful act in state park 0

2504-Concealable weapon permit not in possession, failure to report loss 1

or theft

2505-Carrying concealable weapon into certain restricted places 0

2507-Carrying concealed weapon into residence/dwelling without permission 0

of owner

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 detection 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.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 (9) a person in a vehicle if the handgun is:

 (a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance. If the person has been issued a concealed weapon permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment; or

 (b) carried openly or concealed on or about his person, and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;

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

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

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

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

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

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

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

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

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

 (2) courthouse or courtroom;

 (3) polling place on election days;

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

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

 (6) daycare facility or preschool facility;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 (B) This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 (2) the right of a private property owner or person in legal possession or control to allow or prohibit the carrying of a concealable weapon, whether concealed or openly carried, upon his premises.

 (B) The posting by the employer, owner, or person in legal possession or control of a sign stating “NO CONCEALABLE WEAPONS ALLOWED” shall constitute notice to a person holding a permit issued pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable weapons, whether concealed or openly carried, not be brought upon the premises or into the work place. A person who brings a concealable weapon, whether concealed or openly carried, onto the premises or work place workplace in violation of the provisions of this paragraph may be charged with a violation of Section 16‑11‑620. In addition to the penalties provided in Section 16‑11‑620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have his permit revoked for a period of one year. The prohibition contained in this section does not apply to persons specified in Section 16‑23‑20, item (1) regular, salaried law enforcement officers and reserve police officers of a state agency, municipality, or county of the State; uncompensated Governor's constables; law enforcement officers of the federal government or other states if they are carrying out official duties while in this State; deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources; and retired commissioned law enforcement officers employed as private detectives or private investigators.

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

SECTION 11. Section 23‑31‑235 of the S.C. Code is amended to read:

 Section 23‑31‑235. (A) Notwithstanding any other provision of this article, any requirement of or allowance for the posting of signs prohibiting the carrying of a concealable weapon, whether concealed or openly carried, upon any premises shall only be satisfied by a sign expressing the prohibition in both written language interdict and universal sign language.

 (B) All signs must be posted at each entrance into a building where a concealable weapon permit holder is prohibited from carrying a concealable weapon, whether concealed or openly carried, and must be:

 (1) clearly visible from outside the building;

 (2) eight inches wide by twelve inches tall in size;

 (3) contain the words “NO CONCEALABLE WEAPONS ALLOWED” in black one‑inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

 (4) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty‑five degree angle from the horizontal;

 (5) a diameter of a circle; and

 (6) placed not less than forty inches and not more than sixty inches from the bottom of the building's entrance door.

 (C) If the premises where concealable weapons are prohibited does not have doors, then the signs contained in subsection (A) must be:

 (1) thirty‑six inches wide by forty‑eight inches tall in size;

 (2) contain the words “NO CONCEALABLE WEAPONS ALLOWED” in black three‑inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

 (3) contain a black silhouette of a handgun inside a circle thirty‑four inches in diameter with a diagonal line that is two inches wide and runs from the lower left to the upper right at a forty‑five degree angle from the horizontal and must be a diameter of a circle whose circumference is two‑inches wide;

 (4) placed not less than forty inches and not more than ninety‑six inches above the ground;

 (5) posted in sufficient quantities to be clearly visible from any point of entry onto the premises.

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

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

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

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

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