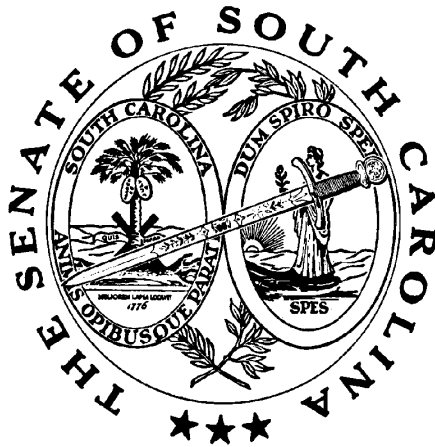


NO. 14

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

WEDNESDAY, JANUARY 31, 2024

Wednesday, January 31, 2024
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 133:1

The Psalmist proclaims: "How good and pleasant it is when brothers live together in unity."

Let us pray: Truly, O God, how blessedly wonderful it would be if only brothers and sisters worldwide could live in absolute unity. Yet that is not the reality of our world today, not at all. One needs only to scan the news and be reminded of what is unfolding still in Ukraine, Israel and Gaza, attacks in the Red Sea, not to mention artificial intelligence issues and so much more. So we fervently pray for You, dear Lord, to bind us all together in peaceful unity -- here in South Carolina as well as around the globe. And bless each of these Senators as they strive to provide the leadership we desperately need in this day and time while they honorably serve the good people of our State. So we humbly pray in Your merciful name, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Devine
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	<i>Johnson, Kevin</i>
Kimbrell	Loftis	Massey
McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy

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Stephens	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Doctor of the Day

Senator McELVEEN introduced Dr. Gary Culbertson of Sumter, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator MASSEY, at 1:28 P.M., Senator MARTIN was granted a leave of absence until 3:25 P.M.

Leave of Absence

On motion of Senator FANNING, at 1:30 P.M., Senator MATTHEWS was granted a leave of absence until 2:20 P.M.

Leave of Absence

At 5:26 P.M., Senator DAVIS requested a leave of absence until 7:00 P.M.

Leave of Absence

On motion of Senator YOUNG, at 5:38 P.M., Senator TALLEY was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator HEMBREE, at 5:38 P.M., Senator TURNER was granted a leave of absence until 7:00 P.M.

Leave of Absence

On motion of Senator ALLEN, at 5:38 P.M., Senator FANNING was granted a leave of absence until 7:00 P.M.

Leave of Absence

On motion of Senator HUTTO, at 10:05 P.M., Senators JACKSON, HARPOOTLIAN and K. JOHNSON were granted a leave of absence for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:
S. 143 Sen. Gustafson

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S. 305 Sen. Gustafson
S. 806 Sen. Setzler
S. 953 Sen. Talley

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1005 -- Senators Kimbrell and Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-25-1320, RELATING TO MOTOR RESTRICTIONS ON LAKE WILLIAM C. BOWEN, SO AS TO PROVIDE THAT A BOAT, WATERCRAFT, OR OTHER TYPE OF VESSEL POWERED BY AN OUTDRIVE OR INBOARD MOTOR HAVING AN ENGINE AUTOMOTIVE HORSEPOWER RATING IN EXCESS OF TWO HUNDRED HORSEPOWER IS PERMITTED AND THAT PERSONAL WATERCRAFT MAY NOT EXCEED ONE HUNDRED NINETY HORSEPOWER; AND BY AMENDING SECTION 50-25-1350, RELATING TO WATER SKIING AND TOWING RESTRICTIONS ON LAKE WILLIAM C. BOWEN, SO AS TO PROHIBIT THE OPERATION OF PERSONAL WATERCRAFT, SPECIALTY PROPCRAFT, OR VESSELS IN EXCESS OF IDLE SPEED WITHIN ONE HUNDRED FEET OF A WHARF, DOCK, BULKHEAD, OR PIER OR WITHIN FIFTY FEET OF A MOORED OR ANCHORED VESSEL OR PERSON IN THE WATER.

sr-0574km24.docx

Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 1006 -- Senator Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 9-11-95 SO AS TO ALLOW A RETIRED POLICE OFFICER WHO MAINTAINS A CONSTABLE CERTIFICATION AFTER HE IS CERTIFIED PURSUANT TO SECTION 23-23-70 TO BE EMPLOYED BY ONE OR MORE LAW ENFORCEMENT AGENCIES WITHOUT BEING SUBJECT TO THE EARNINGS LIMITATION IN SECTION 9-11-90(4).

sr-0566km24.docx

Read the first time and referred to the Committee on Finance.

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S. 1007 -- Senator Adams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-23-60, RELATING TO CERTIFICATES OF COMPLIANCE, INFORMATION TO BE SUBMITTED RELATING TO QUALIFICATION OF CANDIDATES FOR CERTIFICATION, AND EXPIRATION OF CERTIFICATES FOR LAW ENFORCEMENT OFFICERS SO AS TO PERMIT SLED TO CONDUCT STATE- AND FEDERAL-LEVEL CRIMINAL RECORDS CHECKS ON INDIVIDUALS SEEKING CERTIFICATION.

sr-0121jg24.docx

Read the first time and referred to the Committee on Judiciary.

S. 1008 -- Senators Kimbrell, M. Johnson, Rice, Reichenbach, Adams, Corbin, Gambrell, Climer, Cash, Verdin and Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR GOVERNOR GREG ABBOTT FOR HIS LEADERSHIP AND FORTITUDE AND ENCOURAGE HIM TO PERSEVERE IN HIS FIGHT TO SECURE THE TEXAS-MEXICO BORDER.

sr-0571km-hw24.docx

The Senate Resolution was introduced and referred to the Committee on Judiciary.

S. 1009 -- Senator McElveen: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 2024 AS "WORLD CHOLANGIOCARCINOMA MONTH" IN SOUTH CAROLINA.

sr-0549km-vc24.docx

Senator MCELVEEN spoke on the Resolution.

The Concurrent Resolution was adopted, ordered sent to the House.

S. 1010 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 2024 AS "AMERICAN HEART MONTH" IN SOUTH CAROLINA.

sr-0575km-vc24.docx

The Concurrent Resolution was introduced and referred to the Committee on Medical Affairs.

S. 1011 -- Senators Setzler, Malloy, Hutto, Jackson, McElveen, Goldfinch, Hembree, Young, Garrett, Talley, Gambrell, K. Johnson, Allen, McLeod, Tedder, Turner, Gustafson, Alexander, Kimbrell, Adams, Rice, Campsen, Senn, Shealy, Verdin, Cromer, Matthews, Loftis, Corbin, Williams, Rankin, Peeler, Reichenbach, Sabb and

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Fanning: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE UNIVERSITY OF SOUTH CAROLINA AND THE ENTIRE USC SYSTEM FOR ITS MANY AND SIGNIFICANT CONTRIBUTIONS TO THE EDUCATION AND CULTURE OF OUR CITIZENS AND TO DECLARE TUESDAY, FEBRUARY 13, 2024, "CAROLINA DAY" AT THE STATE HOUSE.

lc-0324hdb-gm24.docx

The Senate Resolution was adopted.

H. 3309 -- Reps. Gilliam, Pope, Erickson, Bradley, Davis, Caskey and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SEIZURE SAFE SCHOOLS ACT" BY ADDING SECTION 59-63-97 SO AS TO REQUIRE THE ESTABLISHMENT OF SEIZURE ACTION PLANS IN PUBLIC SCHOOLS, AND TO PROVIDE REQUIREMENTS FOR SUCH PLANS AND THEIR IMPLEMENTATION, AMONG OTHER THINGS.

lc-0010wab23.docx

Read the first time and referred to the Committee on Education.

H. 3523 -- Reps. McCravy, Lawson, Yow, Leber, Bailey, Brittain, Robbins, Sessions, Mitchell, Wheeler, Schuessler, B. Newton, Erickson, Bradley, Oremus, Cromer, Chapman, Gagnon, Gilliam and Gibson: A BILL TO AMEND SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 11, TITLE 1 SO AS TO CREATE THE "FALLEN FIRST RESPONDER SURVIVOR ADVOCATE" POSITION WITHIN THE DEPARTMENT OF ADMINISTRATION AND PROVIDE ITS DUTIES AND RESPONSIBILITIES.

lc-0161cm23.docx

Read the first time and referred to the Committee on Judiciary.

H. 4029 -- Reps. Dillard, Hyde, Bailey, Brittain, Weeks and Schuessler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-1-103, RELATING TO DESIGNATION OF REPRESENTATION IN MAGISTRATES COURT, SO AS TO INCLUDE HOUSING AUTHORITIES.

lc-0203ph23.docx

Read the first time and referred to the Committee on Labor, Commerce and Industry.

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H. 4608 -- Reps. Hayes and Atkinson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE LUMBER RIVER ALONG UNITED STATES HIGHWAY 76 AND SOUTH CAROLINA HIGHWAY 9 AT THE BORDER OF MARION AND HORRY COUNTIES "PLAN LANNEAU ELVINGTON, SR. MEMORIAL BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0417cm-gt24.docx

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4632 -- Rep. J. E. Johnson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF CULTRA ROAD AND OAK STREET IN THE CITY OF CONWAY IN HORRY COUNTY "JAMES ODELL COCHRAN INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0420cm-cm24

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4674 -- Rep. Erickson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-3-1240, RELATING TO THE DISPLAY OF LICENSE PLATES, SO AS TO PROVIDE THE CIRCUMSTANCES IN WHICH THE PROVISIONS OF THIS SECTION APPLY, TO PROVIDE HOW LICENSE PLATES MUST BE FASTENED TO VEHICLES, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE FOR THE DISPLAY OF TEMPORARY LICENSE PLATES ON LARGE COMMERCIAL MOTOR VEHICLES.

lc-0444cm24.docx

Read the first time and referred to the Committee on Transportation.

H. 4806 -- Reps. Rivers and Gilliard: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF THE SEA ISLAND PARKWAY IN BEAUFORT COUNTY FROM ITS INTERSECTION WITH COWEN CREEK BLUFF TO ITS INTERSECTION WITH COWEN CREEK BRIDGE "MONTFORD POINT MARINES WAY"

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AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0452cm-gt24.docx

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4810 -- Reps. Bannister and G. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO SALES TAX EXEMPTIONS, SO AS TO PROVIDE FOR A SALES TAX EXEMPTION FOR CERTAIN CLOTHING REQUIRED FOR USE IN PERISHABLE PREPARED FOOD MANUFACTURING FACILITIES.

lc-0452sa24.docx

Read the first time and referred to the Committee on Finance.

H. 4825 -- Reps. Hewitt, Murphy, W. Newton, Brewer, Gatch, Robbins, Kirby, Mitchell, Crawford, Yow, Bailey, Pope, Guest, Hartnett, West, Oremus, Leber, Williams, Jefferson, Gilliard, Schuessler, Landing, Bustos, Calhoon, Gilliam, Gibson, M. M. Smith, B. Newton and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-910, RELATING TO OFFENSES INVOLVING KIDNAPPING, SO AS TO INCLUDE UNLAWFULLY LURING ANOTHER PERSON, TO PROVIDE FOR A SENTENCING ENHANCEMENT WHEN THE VICTIM IS A MINOR, TO SPECIFICALLY PROVIDE FOR PUNISHMENT FOR ATTEMPTED KIDNAPPING OFFENSES, AND TO DEFINE THE TERM "MINOR".

lc-0217ahb24.docx

Read the first time and referred to the Committee on Judiciary.

H. 4833 -- Rep. Burns: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION PLACE APPROPRIATE MARKERS OR SIGNS AT THE STATE-MAINTAINED ROAD ENTRANCES TO THE TOWN OF SLATER-MARIETTA IN GREENVILLE COUNTY CONTAINING THE WORDS "HOME OF THE SLATER-MARIETTA HIGH SCHOOL GREEN WAVE FIVE-TIME SOUTH CAROLINA BOYS STATE BASKETBALL CHAMPIONS: 1953, 1962, 1964, 1966, AND 1971".

lc-0463cm-gt24.docx

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

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H. 4841 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF FRIENDSHIP ROAD IN DILLON COUNTY FROM STATE ROAD 308 (LESTER ROAD) TO STATE ROAD 71 (JUDGE ROAD) "JACKSON RYAN WINKELER MEMORIAL ROAD" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS DESIGNATION CONTAINING THESE WORDS.

lc-0472cm-gt24.docx

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4863 -- Reps. Anderson and Hewitt: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF EXODUS DRIVE IN GEORGETOWN COUNTY (SOUTH CAROLINA HIGHWAY #S-264), BEGINNING WITH ITS INTERSECTION AT NORTH FRASER STREET (UNITED STATES HIGHWAY 701), SPANNING APPROXIMATELY 7.97 MILES, AND ENDING AT A SECOND INTERSECTION WITH UNITED STATES HIGHWAY 701 "JOHNNY MORANT HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0457cm-gt24.docx

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4878 -- Rep. Ott: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 6 IN LEXINGTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO ITS INTERSECTION WITH TICKLE WEED ROAD "STANLEY MYERS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

lc-0475cm-gt24.docx

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

WEDNESDAY, JANUARY 31, 2024

H. 4892 -- Reps. Thayer, West, Chapman, Beach, Cromer and Gagnon: A BILL TO AMEND ACT 510 OF 1982, AS AMENDED, RELATING TO THE ANDERSON COUNTY BOARD OF EDUCATION, SO AS TO REAPPORTION THE DISTRICTS FROM WHICH BOARD MEMBERS ARE ELECTED; AND TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF TRUSTEES OF ANDERSON COUNTY SCHOOL DISTRICT 1, SO AS TO REAPPORTION THESE DISTRICTS.

lc-0347hdb24.docx

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4937 -- Reps. Collins, Hiott and Carter: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-450, RELATING TO DESIGNATION OF VOTING PRECINCTS IN PICKENS COUNTY, SO AS TO AUTHORIZE THE PICKENS COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS, WITH APPROVAL FROM A MAJORITY OF THE PICKENS COUNTY LEGISLATIVE DELEGATION, TO LOCATE A POLLING PLACE WITHIN FIVE MILES OF A PRECINCT'S BOUNDARIES IF NO SUITABLE LOCATION EXISTS WITHIN THE PRECINCT.

lc-0365hdb24.docx

Read the first time and referred to the Committee on Judiciary.

H. 4978 -- Reps. Hixon, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoun, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A

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CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE MEMBERS OF SOUTH CAROLINA'S FFA, FORMERLY KNOWN AS THE FUTURE FARMERS OF AMERICA, AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK FROM FEBRUARY 17 THROUGH 24, 2024.

lc-0595wab-gm24.docx

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

REPORT OF STANDING COMMITTEE

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 843 -- Senator Rankin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-56-120, RELATING TO MISREPRESENTATIONS PROHIBITED, SO AS TO PROHIBIT A SOLICITATION FROM A PERSON OR GROUP REPRESENTING ITSELF AS A SOUTH CAROLINA-BASED NATIVE AMERICAN INDIAN TRIBE OR SOUTH CAROLINA-BASED NATIVE AMERICAN ENTITY UNLESS THE GROUP HAS BEEN FEDERALLY ACKNOWLEDGED AS A TRIBE, OR DESIGNATED AS A TRIBE, GROUP, OR SPECIAL INTEREST ORGANIZATION BY THE BOARD OF THE STATE COMMISSION FOR MINORITY AFFAIRS.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., January 31, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 782 -- Senators Matthews and Davis: A BILL TO DELINEATE THE NINE SINGLE-MEMBER DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY SCHOOL BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2024 GENERAL ELECTION, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE DISTRICTS, AND TO REPEAL SECTION 2 OF ACT 476 OF 1998 RELATING TO THE

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ESTABLISHMENT OF SINGLE-MEMBER DISTRICTS OF THE
JASPER COUNTY SCHOOL DISTRICT.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., January 31, 2024

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs
in the amendments proposed by the Senate to:

H. 4159 -- Reps. Herbkersman, Davis, M.M. Smith, Erickson, W.
Newton, Bradley, Ballentine, Hewitt and Blackwell: A BILL TO
AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO
ENACT THE "SOUTH CAROLINA TELEHEALTH AND
TELEMEDICINE MODERNIZATION ACT" BY ADDING
CHAPTER 42 TO TITLE 40 SO AS TO DEFINE NECESSARY
TERMS AND PROVIDE REQUIREMENTS FOR CERTAIN
REGULATED HEALTH CARE PROFESSIONALS WHO PROVIDE
HEALTH CARE BY MEANS OF TELEHEALTH; BY AMENDING
SECTION 40-47-20, RELATING TO DEFINITIONS IN THE
MEDICAL PRACTICE ACT, SO AS TO DEFINE "TELEHEALTH";
AND BY AMENDING SECTION 40-47-37, RELATING TO THE
PRACTICE OF TELEMEDICINE, SO AS TO REVISE
REQUIREMENTS FOR THE PRACTICE OF TELEMEDICINE AND
TO INCLUDE PROVISIONS CONCERNING TELEHEALTH.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE
UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the
House:

WEDNESDAY, JANUARY 31, 2024

S. 577 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-8-530, SECTION 12-8-540, SECTION 12-8-570, SECTION 12-8-580, AND SECTION 12-8-595, ALL RELATING TO THE WITHHOLDING OF INCOME TAXES, SO AS TO UPDATE A REFERENCE TO THE TOP MARGINAL INCOME TAX RATE.

OBJECTION

S. 708 -- Senators Young and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-11-420, RELATING TO DEFINITIONS PERTAINING TO THE SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM, SO AS TO DEFINE CHILD ABUSE MEDICAL SERVICES; AND BY AMENDING SECTION 63-11-430, RELATING TO PROGRAM REQUIREMENTS, SO AS TO PROVIDE FOR THE INCLUSION OF SOUTH CAROLINA NETWORK OF CHILDREN'S ADVOCACY CENTERS AND CHILDREN'S HOSPITALS IN THE PROGRAM.

Senator DAVIS objected to consideration of the Bill.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3951 -- Reps. Haddon, G.M. Smith, Bannister, Hiott, Ligon, Hixon, Leber, Erickson, Forrest, Brewer, Murphy, Robbins, Willis, Calhoon, Pope, Davis and M.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "WORKING AGRICULTURAL LANDS PRESERVATION ACT" BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO DEFINE TERMS, ESTABLISH A COMMITTEE, AND OUTLINE PROGRAM CRITERIA, AMONG OTHER THINGS.

OBJECTION

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS'

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LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR

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VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

Senator MALLOY objected to consideration of the Bill.

READ THE SECOND TIME

S. 700 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 39 TO ESTABLISH THE "SOUTH CAROLINA EARNED WAGE ACCESS SERVICES ACT" SO AS TO PROVIDE FOR REQUIREMENTS FOR EARNED WAGE ACCESS SERVICES PROVIDERS, AND TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITATIONS.

The Senate proceeded to a consideration of the Bill.

Senator CLIMER explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McElveen	McLeod	Peeler

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Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Tedder
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

OBJECTION

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE

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PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS

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TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

Senator MALLOY objected to consideration of the Bill.

OBJECTION

S. 578 -- Senator Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-54-240, RELATING TO DISCLOSURE OF RECORDS OF AND REPORTS AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO AUTHORIZE THE DISCLOSURE OF DOCUMENTS UNDER CERTAIN CIRCUMSTANCES.

Senator MALLOY objected to consideration of the Bill.

CARRIED OVER

S. 620 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-51-50, RELATING TO SALES OF PROPERTY BY A COUNTY RESULTING FROM DELINQUENT TAXES, SO AS TO ALLOW AN ELECTRONIC SALE AND TO PROVIDE FOR THE PROCEDURES OF AN ELECTRONIC SALE; AND BY AMENDING SECTION 12-51-60, RELATING TO PAYMENT BY THE SUCCESSFUL BIDDER IN A TAX SALE, SO AS TO PROVIDE FOR THE DISTRIBUTION OF PROCEEDS DERIVED FROM AN ELECTRONIC TAX SALE.

On motion of Senator DAVIS, the Bill was carried over.

CARRIED OVER

S. 778 -- Senator Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING TITLE 40, CHAPTER 63, ARTICLE 5 SO AS TO CREATE THE SOCIAL WORK MEMBER

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STATE COMPACT, OUTLINE THE RULES OF THE COMPACT,
AND DEFINE NECESSARY TERMS.

On motion of Senator CORBIN, the Bill was carried over.

AMENDED, READ THE SECOND TIME

S. 806 -- Senators Alexander, Malloy and Setzler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-1-180, RELATING TO ADJOURNMENT OF GENERAL ASSEMBLY AND CONDITIONS FOR EXTENDED SESSION, SO AS TO PROVIDE THAT THE DATE FOR SINE DIE ADJOURNMENT IS AUTOMATICALLY EXTENDED IF THE HOUSE OF REPRESENTATIVES DOES NOT GIVE THIRD READING TO THE ANNUAL APPROPRIATIONS ACT ON OR BEFORE MARCH TENTH, SO AS TO PROVIDE THAT THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY CALL THEIR RESPECTIVE BODIES INTO SESSION AFTER THE SINE DIE ADJOURNMENT DATE TO FINISH ANY UNFINISHED BUSINESS RELATING TO THE GENERAL APPROPRIATIONS BILL OR CAPITAL RESERVE FUND RESOLUTION, AND TO PROVIDE THE TIME PERIOD DURING WHICH THE SENATE AND THE HOUSE OF REPRESENTATIVES MAY BE CALLED BACK TO COMPLETE THE UNFINISHED BUSINESS RELATING TO THE GENERAL APPROPRIATIONS BILL OR CAPITAL RESERVE FUND RESOLUTION.

The Senate proceeded to a consideration of the Bill.

Senator ALEXANDER proposed the following amendment (SR-806.JG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 2-1-180(a), ~~(b)~~, ~~(b)(c)~~, and ~~(c)(d)~~ and inserting:

~~—(a) if the House of Representatives fails to give a third reading to the annual general appropriations bill by March thirty first, the date of sine die adjournment is extended by one statewide day for each statewide day after March thirty first that the House of Representatives fails to give the bill third reading; or~~

(a) if the general appropriations bill or Capital Reserve Fund resolution is not completed by the sine die adjournment date, the President of the Senate and the Speaker of the House of Representatives may call their respective bodies into session at any time after the date of

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sine die adjournment and until the first Thursday in June to complete those matters;

(b) if a forecast reduction is submitted by the Board of Economic Advisors pursuant to Section 11-9-880 after April tenth for the next fiscal year, the adjournment date for the General Assembly may be extended up to two weeks with the agreement of the Speaker of the House and the President of the Senate; or

(c) if a concurrent resolution is adopted by a two-thirds vote of both the Senate and House of Representatives not later than five o'clock p.m. on the second Thursday in May. During the time between five o'clock p.m. on the second Thursday in May and the extended sine die adjournment date, as set forth herein, no legislation or other business may be considered except ~~the general appropriations bill and any matters approved for consideration by a concurrent resolution adopted by two-thirds vote in both houses.~~

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Devine	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Massey
McElveen	McLeod	Peeler
Reichenbach	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Talley	Tedder

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Turner
Young

Verdin

Williams

Total--43

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

H. 3116 -- Reps. Felder, Carter, Pope, Guffey, O'Neal, Hart, Caskey, Williams, Blackwell and Gilliam: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-610, RELATING TO PERSONS LIABLE FOR TAXES AND ASSESSMENTS ON REAL PROPERTY, SO AS TO PROVIDE THAT CERTAIN DISABLED VETERANS OF THE ARMED FORCES OF THE UNITED STATES ARE EXEMPT FROM PROPERTY TAXES IN THE YEAR IN WHICH THE DISABILITY OCCURS.

The Senate proceeded to a consideration of the Bill.

Senator VERDIN explained the Bill.

The question being the second reading of the Bill.

On motion of Senator VERDIN, the Bill was carried over.

CARRIED OVER

S. 621 -- Senators Reichenbach, Stephens, Cromer, Kimbrell, M. Johnson, Fanning, Setzler, Bennett, Shealy, Rice, Williams and Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 79 TO TITLE 39 SO AS TO CREATE THE "SOUTH CAROLINA-IRELAND TRADE COMMISSION", TO PROVIDE FOR THE MEMBERS OF THE TRADE COMMISSION, AND TO ESTABLISH THE DUTIES OF THE COMMISSION.

On motion of Senator TURNER, the Bill was carried over.

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ADOPTED

H. 4278 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME WOODVILLE ROAD IN FLORENCE COUNTY “BISHOP DONALD HYMAN ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 1:44 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.

CARRIED OVER

S. 557 -- Senators M. Johnson, Peeler, Kimbrell, Adams, Rice, Rankin, Reichenbach, Young, Loftis, Climer, Garrett, Alexander and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3477, RELATING TO THE APPRENTICE INCOME TAX CREDIT, SO AS TO INCREASE THE AMOUNT OF THE CREDIT AND THE NUMBER OF YEARS IN WHICH IT MAY BE CLAIMED.

On motion of Senator MASSEY, the Bill was carried over.

THE SENATE PROCEEDED TO THE ADJOURNED DEBATE.

AMENDED, DEBATE INTERRUPTED

H. 3594 -- Reps. B.J. Cox, G.M. Smith, Lowe, Wooten, Hiott, Bailey, Beach, Burns, Caskey, Crawford, Cromer, Elliott, Forrest, Haddon, Hardee, Hixon, Hyde, Jordan, Ligon, Long, Magnuson, May, McCabe, McCravy, A.M. Morgan, T.A. Morgan, T. Moore, B. Newton, Nutt, Oremus, M.M. Smith, S. Jones, Taylor, Thayer, Trantham, Willis, Yow, West, Lawson, Chapman, Chumley, Leber, Mitchell, Pace, Harris,

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O'Neal, Kilmartin, Murphy, Brewer, Robbins, Hager, Sandifer, Connell, Gilliam, Davis, B.L. Cox, Vaughan, White, Collins, J.E. Johnson, Gagnon, Gibson, W. Newton, Bustos, Herbkersman, Landing, Moss, Pope and Guest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CONSTITUTIONAL CARRY/SECOND AMENDMENT PRESERVATION ACT OF 2023" BY AMENDING SECTION 10-11-320, RELATING TO CARRYING OR DISCHARGING FIREARMS AND EXCEPTIONS FOR CONCEALABLE WEAPONS PERMIT HOLDERS, SO AS TO DELETE A PROVISION THAT MAKES THIS SECTION INAPPLICABLE TO PERSONS THAT POSSESS CONCEALABLE WEAPONS PERMITS AND TO PROVIDE THIS SECTION DOES NOT APPLY TO PERSONS WHO POSSESS FIREARMS; BY AMENDING SECTION 16-23-20, RELATING TO UNLAWFUL CARRYING OF HANDGUNS, SO AS TO REVISE THE PLACES WHERE AND CIRCUMSTANCES UPON WHICH HANDGUNS MAY BE CARRIED, AND PERSONS WHO MAY CARRY HANDGUNS; BY AMENDING SECTION 16-23-50, RELATING TO CERTAIN PENALTIES, DISPOSITION OF FINES, AND FORFEITURE AND DISPOSITION OF HANDGUNS, SO AS TO PROVIDE EXCEPTIONS TO THE UNLAWFUL CARRYING OF HANDGUNS; BY AMENDING SECTION 16-23-55, RELATING TO PROCEDURES FOR RETURNING FOUND HANDGUNS, SO AS TO DELETE THE PROVISION RELATING TO FILING APPLICATIONS TO OBTAIN FOUND HANDGUNS, AND PROVIDE CIRCUMSTANCES THAT ALLOW LAW ENFORCEMENT AGENCIES TO MAINTAIN POSSESSION OR DISPOSE OF FOUND HANDGUNS; BY AMENDING SECTION 16-23-420, RELATING TO POSSESSION OF FIREARMS ON SCHOOL PROPERTY, SO AS TO DELETE THE PROVISION THAT EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THIS PROVISION, AND DELETE THE TERM "WEAPON" AND REPLACE IT WITH THE TERM "FIREARM"; BY AMENDING SECTION 16-23-430, RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTY, SO AS TO DELETE THE PROVISION THAT EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THIS PROVISION; BY AMENDING SECTION 16-23-465, RELATING TO THE ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING PISTOLS OR FIREARMS ONTO PREMISES OF BUSINESSES SELLING ALCOHOLIC LIQUOR, BEER, OR WINE FOR

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ON-PREMISES CONSUMPTION, SO AS TO PROVIDE THIS PROVISION DOES NOT APPLY TO CERTAIN OFFENSES THAT PROHIBIT PERSONS FROM CARRYING CERTAIN DEADLY WEAPONS, TO PROVIDE THIS PROVISION APPLIES TO PERSONS WHO KNOWINGLY CARRY CERTAIN FIREARMS, TO DELETE THE PROVISION THAT EXEMPTS PERSONS WHO POSSESS CONCEALED WEAPON PERMITS FROM THE PROVISIONS OF THIS SECTION, AND TO PROVIDE PERSONS LAWFULLY CARRYING FIREARMS WHO DO NOT CONSUME ALCOHOLIC BEVERAGES ARE EXEMPT FROM THE PROVISIONS OF THIS SECTION; BY AMENDING SECTION 23-31-215, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO DELETE THE PROVISIONS REQUIRING PERMIT HOLDERS TO CARRY PERMITS WHILE CARRYING WEAPONS AND IDENTIFYING THEMSELVES AS PERMIT HOLDERS TO LAW ENFORCEMENT OFFICERS, TO REVISE THE REQUIREMENTS TO REPORT THE LOSSES OF PERMITS TO SLED, TO REVISE THE PREMISES UPON WHICH PERMIT HOLDERS MUST NOT CARRY WEAPONS, TO PROVIDE ADDITIONAL PENALTIES FOR CERTAIN VIOLATIONS, TO REVISE THE PROVISION THAT PROVIDES EXEMPTIONS TO CARRYING PERMITS, AND TO DELETE THE PROVISION RELATING TO PENALTIES FOR CARRYING EXPIRED PERMITS; BY AMENDING SECTION 23-31-220, RELATING TO THE RIGHT TO ALLOW OR PERMIT CONCEALED WEAPONS UPON PREMISES AND THE POSTING OF SIGNS PROHIBITING THE CARRYING OF WEAPONS, SO AS TO MAKE TECHNICAL CHANGES, THAT PERSONS MUST KNOWINGLY VIOLATE THE PROVISIONS OF THIS SECTION TO BE CHARGED WITH A VIOLATION, AND TO PROVIDE THIS SECTION DOES NOT LIMIT PERSONS FROM CARRYING CERTAIN WEAPONS IN STATE PARKS; BY AMENDING SECTION 23-31-232, RELATING TO CARRYING CONCEALABLE WEAPONS ON PREMISES OF CERTAIN SCHOOLS LEASED BY CHURCHES, SO AS TO PROVIDE APPROPRIATE CHURCH OFFICIALS OR GOVERNING BODIES MAY ALLOW ANY PERSON TO CARRY A CONCEALABLE WEAPON ON THE LEASED PREMISES; BY AMENDING SECTION 23-31-235, RELATING TO CONCEALABLE WEAPON SIGN REQUIREMENTS, SO AS TO PROVIDE THE SIGNS MUST BE POSTED AT LOCATIONS WHERE THE CARRYING OF CONCEALABLE WEAPONS ARE PROHIBITED;

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BY AMENDING SECTION 23-31-600, RELATING TO RETIRED PERSONNEL, IDENTIFICATION CARDS, AND QUALIFICATIONS FOR CARRYING CONCEALED WEAPONS, SO AS TO MAKE A TECHNICAL CHANGE; BY REPEALING SECTIONS 16-23-460, 23-31-225, AND 23-31-230, RELATING TO THE CARRYING OF WEAPONS BY INDIVIDUALS ON THEIR PERSON, INTO RESIDENCES OR DWELLINGS, OR BETWEEN A MOTOR VEHICLE AND A RENTED ACCOMMODATION; AND BY AMENDING SECTION 16-23-500, RELATING TO UNLAWFUL POSSESSION OF FIREARMS BY PERSONS CONVICTED OF VIOLENT OFFENSES, THE CONFISCATION OF CERTAIN WEAPONS, AND THE RETURN OF FIREARMS TO INNOCENT OWNERS, SO AS TO REVISE THE LIST OF CRIMES SUBJECT TO THIS PROVISION AND THE PENALTIES ASSOCIATED WITH VIOLATIONS, AND TO DEFINE THE TERM “CRIME PUNISHABLE BY A MAXIMUM TERM OF IMPRISONMENT OF MORE THAN ONE YEAR”.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

Motion Adopted

Senator MASSEY asked unanimous consent to proceed to Amendment No. 20.

There was no objection.

Amendment No. 20

Senator MASSEY proposed the following amendment (SR-3594.JG0138S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 16-23-20(11) and inserting:

(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.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

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The amendment was adopted.

Amendment No. 14

Senator McLEOD proposed the following amendment (SMIN-3594.MW0135S), which was not adopted:

Amend the bill, as and if amended, SECTION 19, by striking Section 23-31-245 and inserting:

Section 23-31-245. This article does not prevent a law enforcement officer from searching, detaining or arresting a person when he has a particularized and objective basis for suspecting the particular person stopped of criminal activity. A person merely carrying a weapon in accordance with this article is not sufficient to justify a search, detention, or arrest. In enforcing the provisions contained in this article, an officer may not consider, race, color, or national origin except to the extent permitted by the United States and South Carolina Constitution.

Renumber sections to conform.

Amend title to conform.

Senator McLEOD explained the amendment.

Senator HEMBREE spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 15; Nays 28

AYES

Allen	Devine	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Malloy	Matthews	McElveen
McLeod	Sabb	Setzler
Stephens	Tedder	Williams

Total--15

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree

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<i>Johnson, Michael</i>	Kimbrell	Loftis
Massey	Peeler	Reichenbach
Rice	Senn	Shealy
Talley	Turner	Verdin
Young		

Total--28

Having failed to receive the necessary vote, the amendment was not adopted.

Amendment No. 15B

Senator MASSEY proposed the following amendment (SR-3594.JG0143S), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

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

Section 23-31-246. (1) When carrying a firearm, a person must inform a law enforcement officer of the fact that he is carrying a firearm when the officer is conducting an otherwise lawful stop, detention, or investigation.

(2) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or be imprisoned for not more than thirty days, or both.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator SHEALY moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 18

Senator CAMPSEN proposed the following amendment (SR-3594.JG0133S), which was carried over and subsequently adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 56-1-140 of the S.C. Code is amended by adding:

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(E)(1) An applicant for a new, renewed, or replacement driver's license may apply to the department to obtain a concealed weapons permit holder designation on the front of his driver's license by submitting an application to the department. The application form shall require an applicant to:

(a) provide a copy of the applicant's valid concealed weapon permit issued pursuant to Section 23-31-215;

(b) certify that the license containing the concealed weapons permit holder designation will be surrendered immediately to SLED if the permit holder becomes a person prohibited under state law from possessing a weapon; and

(c) authorize SLED to conduct or facilitate a state and federal background check every five years.

(2) Prior to issuing a license containing a concealed weapons permit holder designation, the department must provide a copy of the application to SLED, and SLED must certify in writing that:

(a) the applicant's permit is valid; and

(b) if the concealed weapon permit was issued more than sixty days prior to the date of the application, SLED conducted or facilitated a state and federal background check, and the results were favorable.

(3) For every applicant approved for the concealed weapon permit holder license designation pursuant to this section:

(a) SLED must conduct or facilitate a state and federal background check of the permit holder every five years;

(b) if the background check is favorable, SLED must renew the permit free of charge; and

(c) no application shall be required for the background check or renewal of the permit.

(4) A license containing a concealed weapons permit holder designation may be presented in lieu of presenting a permit when required by law.

(5) A license containing the concealed weapons permit holder designation must be surrendered immediately to SLED if the permit holder becomes a person prohibited under state law from possessing a weapon or obtaining a permit, or if the permit is not renewed by SLED.

SECTION X. Section 23-31-215(P) of the S.C. Code is amended to read:

(P) Upon renewal, a permit issued pursuant to this article is valid for five years. Subject to subsection (Q), SLED shall automatically renew a currently valid permit ~~upon~~ without application.

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(1) Upon SLED's receipt of current picture identification or facsimile copy thereof, the renewal permit shall be issued to the permit holder. SLED shall not charge more than the cost to renew a South Carolina driver's license to renew a permit under this section.

(2) A permit holder who has a concealed weapons permit holder designation on the front of his driver's license does not have to provide current picture identification pursuant to this subsection.

~~— (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) picture identification or facsimile copy thereof.~~

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

On motion of Senator CAMPSSEN, with unanimous consent, the amendment was carried over.

Amendment No. 19

Senators GOLDFINCH and CAMPSSEN proposed the following amendment (SR-3594.JG0136S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 10, by striking Section 23-31-220(U)(1) and (2) and inserting:

(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;

(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; or

~~(3) the right of a public or private employer to allow the carrying of a concealable weapon by a person licensed under this article upon his premises.;~~

Amend the bill further, SECTION 10, by striking Section 23-31-220(B) and inserting:

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(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; or

(3) the right of a public or private employer to allow the carrying of a concealable weapon by a person licensed under this article upon his premises.-

(B)(1) 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~~ workplace. 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)~~.

(2) The posting by the employer, owner, or person in legal possession or control of a sign stating “NO CONCEALABLE WEAPONS ALLOWED UNLESS POSSESSED BY A PERSON WITH A VALID CWP” shall constitute notice to a person that the employer, owner, or person in legal possession or control requests that no concealable weapons, whether concealed or openly carried, be brought upon the premises or into the workplace by anyone who does not hold a permit issued pursuant to this article. A person who knowingly brings a concealable weapon, whether concealed or openly carried, onto the premises or 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).

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

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On motion of Senator GOLDFINCH, with unanimous consent, the amendment was carried over.

Amendment No. 21

Senator MASSEY proposed the following amendment (SR-3594.JG0139S), which was withdrawn:

Amend the bill, as and if amended, SECTION 3, by deleting Section 16-23-20(6).

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

On motion of Senator MASSEY, with unanimous consent, the amendment was withdrawn.

Amendment No. 22

Senator MARTIN proposed the following amendment (SJ-3594.BM0145S), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The question then was the adoption of the amendment.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 36; Nays 3

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Harpootlian
Hembree	Hutto	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
McElveen	Peeler	Reichenbach
Rice	Sabb	Senn
Shealy	Stephens	Tedder
Verdin	Williams	Young

Total--36

NAYS

Devine	Matthews	McLeod
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Total--3

The amendment was adopted.

Amendment No. 24

Senator MATTHEWS proposed the following amendment (SMIN-3594.AA0146S), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 1, Title 17 of the S.C. Code is amended by adding:

Section 17-1-65. All prior convictions for unlawful carry shall be retroactively expunged. Expungement shall be upon application by the previously convicted defendant. There shall be no cost to the applicant for expungement. All applications for such expungements shall be made within five years of the enactment of this section.

ReNUMBER sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

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Senator CASH moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 27; Nays 15

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Senn
Shealy	Verdin	Young

Total--27

NAYS

Allen	Devine	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Malloy	Matthews	McElveen
McLeod	Sabb	Setzler
Stephens	Tedder	Williams

Total--15

The amendment was laid on the table.

Amendment No. 25

Senator CAMPSSEN proposed the following amendment (SR-3594.KM0111S), which was tabled:

Amend the bill, as and if amended, by striking SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 and inserting:

SECTION X. Section 23-31-205 of the S.C. Code is amended to read:

Section 23-31-205. This article may be cited as the "~~Law Abiding Citizens Self Defense Act of 1996~~ Constitutional Carry Act".

Amend the bill further, by deleting SECTIONS 17, 18, 19, and 20.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

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Senator MARTIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 24; Nays 19

AYES

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Gambrell	Garrett
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Peeler	Reichenbach
Rice	Senn	Shealy
Turner	Verdin	Young

Total--24

NAYS

Allen	Campsen	Devine
Goldfinch	Harpootlian	Hutto
Jackson	<i>Johnson, Kevin</i>	Malloy
Massey	Matthews	McElveen
McLeod	Rankin	Sabb
Setzler	Stephens	Tedder
Williams		

Total--19

The amendment was laid on the table.

Amendment No. 26

Senators SETZLER and CROMER proposed the following amendment (SR-3594.KM0148S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 16-23-20(9) and inserting:

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

ReNUMBER sections to conform.

Amend title to conform.

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Senator SETZLER explained the amendment.

The amendment was adopted.

Amendment No. 4

Senator GOLDFINCH proposed the following amendment (SR-3594.JG0107S), which was withdrawn:

Amend the bill, as and if amended, SECTION 10, by striking Section 23-31-220(A)(1) and inserting:

(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~~ public accommodations business to prohibit a person who does not hold a valid concealed weapon permit and 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

Amend the bill further, SECTION 10, by striking Section 23-31-220(B) and inserting:

(B) The posting by the employer, owner, or person in legal possession or control of a sign stating “NO CONCEALABLE WEAPONS ALLOWED UNLESS POSSESSED BY A PERSON WITH A VALID CWP” 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~~ workplace. 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).

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. SLED shall promulgate regulations requiring the course and qualifications for concealed weapon permits to include two

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additional hours of training regarding the proper handling of firearms and two additional hours of legal training.

Renumber sections to conform.

Amend title to conform.

On motion of Senator GOLDFINCH, with unanimous consent, the amendment was withdrawn.

Amendment No. 5

Senator HARPOOTLIAN proposed the following amendment (LC-3594.WAB0105S), which was withdrawn:

Amend the bill, as and if amended, SECTION 3, Section 16-23-20, by adding an item to read:

(12) retail establishment that serves beer, wine, or other alcoholic beverages.

Renumber sections to conform.

Amend title to conform.

On motion of Senator HARPOOTLIAN, with unanimous consent, the amendment was withdrawn.

Amendment No. 6

Senator HEMBREE proposed the following amendment (SEDU-3594.DB0097S), which was withdrawn:

Amend the bill, as and if amended, SECTION 16, Section 16-23-500, by adding a subsection to read:

(G) Notwithstanding this section, a court may make a specific finding on record as part of a sentencing proceeding, a person adjudicated guilty for an offense listed in subsection (F)(1) or (2), may not possess a firearm for a period not to exceed five years.

Renumber sections to conform.

Amend title to conform.

On motion of Senator HEMBREE, with unanimous consent, the amendment was withdrawn.

Amendment No. 7

Senator MALLOY proposed the following amendment (SJ-3594.BM0100S), which was adopted:

Amend the bill, as and if amended, SECTION 18, Section 23-31-240(13), by adding an item to read:

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(14) active members of the General Assembly;

Amend the bill further, SECTION 18, by striking Section 23-31-240(14) and (15) and inserting:

(15) active county clerks of court; and

(16) 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 a local or state correctional facility.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Recorded Vote

Senators CORBIN, CLIMER, YOUNG and KIMBRELL desired to be recorded as voting against the adoption of the amendment.

**Statement by Senators MASSEY, M. JOHNSON, ADAMS
CLIMER, BENNETT, ALEXANDER and TURNER**

Today the Senate voted on Amendment 7 to H. 3594 to exempt members of the General Assembly from all restrictions on the carrying of a handgun. While the vote was a voice vote, we voted no.

When members of the General Assembly create laws and then exempt themselves from those laws, we believe we lose sight of our role in this process. Members of the General Assembly should not believe they are above the laws of this State, especially when the laws of this State pertain to a fundamental right such as the Second Amendment. That type of hubris leads to bad laws and treats members of the General Assembly as if we are somehow superior to those we serve. It is for that reason that we voted no.

Statement by Senator YOUNG

Amendment 7 to H. 3494 as adopted exempts members of the General Assembly from all restrictions as to the carrying of a handgun. The amendment was adopted as a voice vote and I voted "No". I do not support this.

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Statement by Senator KIMBRELL

I believe members of the General Assembly should be bound by the laws that we impose on our fellow citizens. As such, I oppose any effort to exempt any of us from laws that apply to the public.

Amendment No. 8

Senator HEMBREE proposed the following amendment (SEDU-3594.DB0114S), which was withdrawn:

Amend the bill, as and if amended, SECTION 19, by striking Section 23-31-245 and inserting:

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 absent reasonable and articulable suspicion.

Renumber sections to conform.

Amend title to conform.

On motion of Senator HEMBREE, with unanimous consent, the amendment was withdrawn.

Amendment No. 17

Senator HARPOOTLIAN proposed the following amendment (LC-3594.WAB0110S), which was withdrawn:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

SECTION X. Article 3, Chapter 11, Title 10 of the S.C. Code is amended by adding:

Section 10-11-321. Notwithstanding the provisions of Section 10-11-320, it is lawful for a person to carry a firearm on the capitol grounds and in the capitol building, including the public galleries in each chamber.

Renumber sections to conform.

Amend title to conform.

On motion of Senator HARPOOTLIAN, with unanimous consent, the amendment was withdrawn.

Amendment No. 18

Senator CAMPSEN proposed the following amendment (SR-3594.JG0133S), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 56-1-140 of the S.C. Code is amended by adding:

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(E)(1) An applicant for a new, renewed, or replacement driver's license may apply to the department to obtain a concealed weapons permit holder designation on the front of his driver's license by submitting an application to the department. The application form shall require an applicant to:

(a) provide a copy of the applicant's valid concealed weapon permit issued pursuant to Section 23-31-215;

(b) certify that the license containing the concealed weapons permit holder designation will be surrendered immediately to SLED if the permit holder becomes a person prohibited under state law from possessing a weapon; and

(c) authorize SLED to conduct or facilitate a state and federal background check every five years.

(2) Prior to issuing a license containing a concealed weapons permit holder designation, the department must provide a copy of the application to SLED, and SLED must certify in writing that:

(a) the applicant's permit is valid; and

(b) if the concealed weapon permit was issued more than sixty days prior to the date of the application, SLED conducted or facilitated a state and federal background check, and the results were favorable.

(3) For every applicant approved for the concealed weapon permit holder license designation pursuant to this section:

(a) SLED must conduct or facilitate a state and federal background check of the permit holder every five years;

(b) if the background check is favorable, SLED must renew the permit free of charge; and

(c) no application shall be required for the background check or renewal of the permit.

(4) A license containing a concealed weapons permit holder designation may be presented in lieu of presenting a permit when required by law.

(5) A license containing the concealed weapons permit holder designation must be surrendered immediately to SLED if the permit holder becomes a person prohibited under state law from possessing a weapon or obtaining a permit, or if the permit is not renewed by SLED.

SECTION X. Section 23-31-215(P) of the S.C. Code is amended to read:

(P) Upon renewal, a permit issued pursuant to this article is valid for five years. Subject to subsection (Q), SLED shall automatically renew a currently valid permit ~~upon~~ without application.

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(1) Upon SLED's receipt of current picture identification or facsimile copy thereof, the renewal permit shall be issued to the permit holder. SLED shall not charge more than the cost to renew a South Carolina driver's license to renew a permit under this section.

(2) A permit holder who has a concealed weapons permit holder designation on the front of his driver's license does not have to provide current picture identification pursuant to this subsection.

~~— (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) picture identification or facsimile copy thereof.~~

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

Point of Order

Senator HARPOOTLIAN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator CAMPSSEN spoke on the Point of Order.

Senator HARPOOTLIAN spoke on the Point of Order.

Senator CAMPSSEN spoke on the Point of Order.

Senator McELVEEN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

The question then was the adoption of the amendment.

The amendment was adopted.

Amendment No. 19

Senators GOLDFINCH and CAMPSSEN proposed the following amendment (SR-3594.JG0136S), which was withdrawn:

Amend the bill, as and if amended, SECTION 10, by striking Section 23-31-220~~(U)~~(1) and (2) and inserting:

(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

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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; or

(3) the right of a public or private employer to allow the carrying of a concealable weapon by a person licensed under this article upon his premises.-

Amend the bill further, SECTION 10, by striking Section 23-31-220(B) and inserting:

(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; or

(3) the right of a public or private employer to allow the carrying of a concealable weapon by a person licensed under this article upon his premises.-

(B)(1) 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~~ workplace. 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)~~.

(2) The posting by the employer, owner, or person in legal possession or control of a sign stating “NO CONCEALABLE WEAPONS ALLOWED UNLESS POSSESSED BY A PERSON WITH A VALID CWP” shall constitute notice to a person that the employer, owner, or person in legal possession or control requests that no concealable weapons, whether concealed or openly carried, be brought upon the premises or into the workplace by anyone who does not hold a permit issued pursuant to this article. A person who knowingly brings a concealable weapon, whether concealed or openly carried, onto

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the premises or 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).

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

On motion of Senator GOLDFINCH, with unanimous consent, the amendment was withdrawn.

Amendment No. 23

Senator HUTTO proposed the following amendment (SR-3594.KM0147S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 3, by striking Section 16-23-20(2) and inserting:

(2) courthouse or courtroom or a public building owned by the State, a county, a municipality, or other political subdivision;

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator HUTTO, with unanimous consent, the amendment was carried over.

Amendment No. 27

Senator DEVINE proposed the following amendment (SMIN-3594.MW0088S), which was adopted:

Amend the bill, as and if amended, SECTION 9, Section 23-31-215(K), by striking and inserting:

~~—(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~~

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~~(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.

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 ten 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.

Renumber sections to conform.

Amend title to conform.

Senator DEVINE explained the amendment.

The amendment was adopted.

Amendment No. 28

Senators MASSEY and CAMPSER proposed the following amendment (SR-3594.JG0149S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

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

Section 23-31-246. (1)(a) When a person knowingly possesses or carries a firearm, and a law enforcement officer initiates an otherwise lawful stop, detention, or investigation, including but not limited to a traffic stop, upon the request of the officer, the person must inform the officer of the fact that he is carrying or is in possession of a firearm, whether concealed or otherwise.

(b) When a person knowingly possesses or carries a firearm, that person does not have a duty to inform a law enforcement officer of the fact that he is carrying or is in possession of a firearm unless and until the officer requests such information.

(2) A person who violates this section is:

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(a) for a first offense, 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;

(b) for a second offense, guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years, or both; or

(c) for a third or subsequent offense, guilty of a felony and, upon conviction, must be imprisoned not more than five years, or both.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

On motion of Senator MASSEY, with unanimous consent, the amendment was withdrawn.

Amendment No. 29

Senators MALLOY and SABB proposed the following amendment (SMIN-3594.MW0144S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

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

Section 21-31-260. (A) Any time a person is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, the officer who initiated the stop must complete a data collection form designed by the Department of Public Safety that must include information regarding the age, gender, and race or ethnicity of the person. This information must be gathered and transmitted electronically under the supervision of the department which shall develop and maintain a database storing the information collected. The department must promulgate rules and regulations with regard to the collection and submission of the information gathered.

(B) The Department of Public Safety shall develop and maintain a database for the information submitted to the department under subsection (A) and prepare a report to be posted on the department's website regarding motor vehicle stops using the collected information.

(C) The General Assembly shall have the authority to withhold any state funds or federal pass-through funds from any state or local law enforcement agency that fails to comply with the requirements of this section.

Renumber sections to conform.

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Amend title to conform.

Senator SABB explained the amendment.

Point of Order

Senator MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator SABB spoke on the Point of Order.

On motion of Senator SABB, with unanimous consent, the amendment was withdrawn.

Amendment No. 30

Senator SABB proposed the following amendment (SMIN-3594.MW0152S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 3, by striking Section 16-23-20(5) and inserting:

(5) school or college athletic event not related to firearms, or a youth athletic event operated by a county, municipality, or special purpose district not related to firearms;

Amend the bill further, SECTION 3, by striking Section 16-23-20(11) and inserting:

(11) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises in compliance with Section 23-31-235;

(12) public park or recreation center operated by a county, municipality, or special purpose district.

Renumber sections to conform.

Amend title to conform.

Senator SABB explained the amendment.

On motion of Senator SABB, with unanimous consent, the amendment was carried over.

Amendment No. 31

Senator HUTTO proposed the following amendment (SR-3594.KM0155S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 16-23-20(2) and inserting:

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(2) courthouse, courtroom, or other publicly owned building, whether owned by the State, a county, a municipality, or other political subdivision, where court is held during the time that court is in session;

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

On motion of Senator HUTTO, with unanimous consent, Amendment No. 23 was withdrawn.

RECESS

At 7:40 P.M., on motion of Senator MARTIN, the Senate recessed from business for 30 minutes.

At 9:53 P.M., the Senate resumed.

Amendment No. 34

Senator MASSEY proposed the following amendment (SJ-3594.BM0153S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 16-23-20(3) and (4) and inserting:

(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;

Amend the bill further, SECTION 3, by striking Section 16-23-20(8), (9), (10), and (11) and inserting:

(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 concealable 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-

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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:

Amend the bill further, SECTION 3, by striking Section 16-23-20(4), (5), and (6) and inserting:

(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; or

(5) a person carrying as authorized by Section 23-31-240.

(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.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 7

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Reichenbach	Rice
Senn	Setzler	Shealy
Turner	Verdin	Williams
Young		

Total--34

NAYS

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Allen	Devine	Hutto
McLeod	Sabb	Stephens
Tedder		

Total--7

The amendment was adopted.

Amendment No. 35

Senator MASSEY proposed the following amendment (SR-3594.JG0166S), which was withdrawn:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 23-31-215 of the S.C. Code is amended by adding:

(V)(1) The State Law Enforcement Division shall provide a state-wide concealed weapon permit training course that satisfies the proof of training requirement for the issuance of a concealed weapon permit. SLED may not charge participants a fee of any kind for the concealed weapon permit training course provided for in this subsection. SLED may contract with private certified concealed weapon permit training class instructors or local law enforcement to provide the course or SLED itself may provide the course.

(2) The training course must be offered in every county in South Carolina at least twice per month. If demand exceeds the capacity of the training course in any county, SLED shall provide additional classes until there exists a sufficient number of classes offered at least twice a month to meet the demand for training in each respective county. If SLED is unable to contract with a certified concealed weapon permit training class instructor or local law enforcement in any county, SLED must conduct the training class for that county.

(3) This program does not prohibit any certified concealed weapon permit training class instructors from providing their own training classes and charging participants a fee.

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

Section 16-23-495.(A) A person convicted of committing or attempting to commit a crime involving a concealable weapon as defined by 23-31-210(5) in violation of an offense listed in Chapter 23, Title 16, or a violation of Section 10-11-320, must be imprisoned for a consecutive sentence of up to three in addition to the sentence imposed

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for the underlying offense, but this sentence may not exceed the actual sentence imposed for the underlying offense.

(B) This section does not apply to a person with a valid permit to carry a concealable weapon issued pursuant to Article 4, Chapter 31, Title 23, provided that the permit was valid at the time the crime was committed.

(C) The additional punishment may not be imposed unless the indictment alleged as a separate count that the person was in possession of a concealable weapon without a valid concealed weapon permit during the commission of the crime and conviction was had upon this count in the indictment. The penalties prescribed in this section may not be imposed unless the person convicted was at the same time indicted and convicted of the underlying crime.

(D) The State Law Enforcement Division shall develop a document and distribute it to retailers that are federally licensed to engage in the business of dealing in or selling firearms in South Carolina. Such retailers shall provide the document to gun purchasers in South Carolina to inform them that South Carolina law provides a process for gun owners to obtain a concealed weapon permit and allows law-abiding gun owners to carry their weapons without a permit. The document must inform gun purchasers that if a gun owner commits a crime involving a concealable weapon, and the owner does not have a valid concealed weapon permit, then there may be an additional criminal penalty for the underlying offense.

(E) The State Law Enforcement Division must conduct a regular, statewide marketing campaign to inform South Carolinians that South Carolina law provides a process for gun owners to obtain a concealed weapon permit and allows law-abiding gun owners to carry their weapons without a permit. The campaign must inform gun purchasers that if a gun owner commits a crime involving a concealable weapon, and the owner does not have a valid concealed weapon permit, then there may be an additional criminal penalty for the underlying offense.

Renumber sections to conform.

Amend title to conform.

On motion of Senator MASSEY, with unanimous consent, the amendment was withdrawn.

Amendment No. 9

Senator JACKSON proposed the following amendment (SMIN-3594.MW0116S), which was carried over:

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Amend the bill, as and if amended, SECTION 3, by striking Section 16-23-20(4)(9) and inserting:

(9) medical clinic, doctor's office, any office that provides counseling services or therapy to individuals or a family, or any other facility where medical services or procedures are performed, unless expressly authorized by the employer;

Renumber sections to conform.

Amend title to conform.

On motion of Senator HUTTO, with unanimous consent, the amendment was carried over.

On motion of Senator SABB, with unanimous consent, Amendment No. 30 was withdrawn.

Amendment No. 32

Senator MATTHEWS proposed the following amendment (SMIN-3594.AA0164S), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Upon the effective date of this act, all pending charges of unlawful carry must be dismissed.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

Senator CASH moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 30; Nays 11

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Rankin	Reichenbach	Rice

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Sabb	Senn	Shealy
Turner	Verdin	Young

Total--30

NAYS

Allen	Devine	Hutto
Malloy	Matthews	McElveen
McLeod	Setzler	Stephens
Tedder	Williams	

Total--11

The amendment was laid on the table.

Senator MATTHEWS moved that the Senate stand adjourned.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 8; Nays 34

AYES

Devine	Fanning	Hutto
Matthews	McLeod	Sabb
Stephens	Williams	

Total--8

NAYS

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Malloy	Martin
Massey	McElveen	Peeler
Rankin	Reichenbach	Rice
Senn	Setzler	Shealy
Tedder	Turner	Verdin
Young		

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Total--34

Having failed to receive the necessary vote, the Senate refused to adjourn.

Amendment No. 33

Senator MATTHEWS proposed the following amendment (SMIN-3594.AA0163S), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 1, Title 17 of the S.C. Code is amended by adding:

Section 17-1-65. All prior convictions for unlawful carry shall be retroactively expunged upon application by the previously convicted defendant. All applications for such expungements shall be made within five years of the enactment of this section.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator CASH spoke on the amendment.

Senator CASH moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 25; Nays 13

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Peeler	Reichenbach	Rice
Shealy	Turner	Verdin
Young		

Total--25

NAYS

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Allen	Devine	Goldfinch
Hutto	Matthews	McElveen
McLeod	Rankin	Sabb
Setzler	Stephens	Tedder
Williams		

Total--13

The amendment was laid on the table.

Amendment No. 36

Senators MASSEY and CAMPSSEN proposed the following amendment (SR-3594.JG0169S), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered sections to read:

SECTION X. Section 23-31-215 of the S.C. Code is amended by adding:

(V) (1) The State Law Enforcement Division shall provide a statewide concealed weapon permit training course that satisfies the proof of training requirement for the issuance of a concealed weapon permit. SLED may not charge participants a fee of any kind for the concealed weapon permit training course provided for in this subsection. SLED may contract with private certified concealed weapon permit training class instructors or local law enforcement to provide the course or SLED itself may provide the course.

(2) The training course must be offered in every county in South Carolina at least twice per month. If demand exceeds the capacity of the training course in any county, SLED shall provide additional classes until there exists a sufficient number of classes offered at least twice a month to meet the demand for training in each respective county. If SLED is unable to contract with a certified concealed weapon permit training class instructor or local law enforcement in any county, SLED must conduct the training class for that county.

(3) This program does not prohibit any certified concealed weapon permit training class instructors from providing their own training classes and charging participants a fee.

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

Section 16-23-495.(A) A person convicted of committing or attempting to commit a crime involving a concealable weapon as defined by 23-31-210(5) in violation of an offense listed in Chapter 23, Title 16,

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or a violation of Section 10-11-320, must be imprisoned not to exceed three years. A term of imprisonment imposed for violating this section must be served consecutively to any term of imprisonment imposed for the underlying offense, and may not exceed the actual sentence imposed for the underlying offense.

(B) This section does not apply to a person with a valid permit to carry a concealable weapon issued pursuant to Article 4, Chapter 31, Title 23, provided that the permit was valid at the time the crime was committed.

(C) The additional punishment may not be imposed unless the indictment alleged as a separate count that the person was in possession of a concealable weapon without a valid concealed weapon permit during the commission of the crime and conviction was had upon this count in the indictment. The penalties prescribed in this section may not be imposed unless the person convicted was at the same time indicted and convicted of the underlying crime.

(D) The State Law Enforcement Division shall develop a document and distribute it to retailers that are federally licensed to engage in the business of dealing in or selling firearms in South Carolina. Such retailers shall provide the document to gun purchasers in South Carolina to inform them that South Carolina law provides a process for gun owners to obtain a concealed weapon permit and allows law-abiding gun owners to carry their weapons without a permit. The document must inform gun purchasers that if a gun owner commits a crime involving a concealable weapon, and the owner does not have a valid concealed weapon permit, then there may be an additional criminal penalty for the underlying offense.

(E) The State Law Enforcement Division must conduct a regular, statewide marketing campaign to inform South Carolinians that South Carolina law provides a process for gun owners to obtain a concealed weapon permit and allows law-abiding gun owners to carry their weapons without a permit. The campaign must inform gun purchasers that if a gun owner commits a crime involving a concealable weapon, and the owner does not have a valid concealed weapon permit, then there may be an additional criminal penalty for the underlying offense.

SECTION X. Section 23-31-215(A) of the S.C. Code is amended to read:

(A) Notwithstanding any other provision of law, except subject to subsection (B), 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~~

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eighteen 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) a photocopy of a driver's license or photographic identification card;
- (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 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; and
- (6) 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.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator HUTTO spoke on the amendment.

Remarks by Senator HUTTO

Over 70% of people in this State believe if you are going to carry a gun on the street you should have training. This Bill does not do that. This Bill says we are going to put guns on the street with no required training.

This legislation criminalizes rather than protects. It provides for enhanced penalties for making a mistake. If you make a mistake, we are going to put you in jail. For example, if you did not see the placard announcing no guns allowed in the store and you walk in with your gun, you then have up to three years in jail. If you drive onto the campus of a school -- did not know your wife had put your gun in your car -- you will be charged with not only a violation but will also be charged an extra penalty. People that make mistakes, must be penalized -- that is exactly what this legislation says.

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I am against this Bill. I am not opposed to people carrying a weapon if they have training. A majority of South Carolinians think if you are going to carry a gun on the street, you need to have training. I am not talking about people being in their house with a gun. Everybody has a right to defend their house. I am not talking about hunters. I believe probably everyone in this room owns guns, probably multiple guns. I have about a dozen guns myself. This is not whether you like guns, but it is a question whether you want safe streets. Not only is this Bill saying we want guns on the street, but it is also saying we want guns without training.

This is one of the biggest anti-law enforcement Bills we have passed since I have been here. We used to have protections for officers by requiring that a gun in a vehicle be transported in the glove box, console or trunk. Now, under this Bill, the gun can be right there in your lap and ready to fire if you get mad in a road rage situation. When a law enforcement officer walks up and there is a gun right there, it will not go well. Bad things are going to happen.

By passing this legislation, you are telling people that if you commit a crime you better have a gun. If you have a gun, you are not able to be charged for a crime. Why? We put up an amendment that says if you are carrying a gun, that is not grounds for a search. When the officer walks up and sees the gun, that is the best ticket to get your charges suppressed because the officer cannot use the fact that you have a gun to follow up with a search. The officer has no grounds to search your car, cannot make a seizure and cannot do an investigation. A gun will immunize you from half the crimes going on.

We have needs in South Carolina that have gone unmet for years. We have needs for people who battle mental health issues, needs for families and children and needs for teachers that do not have enough supplies in the classroom. We have needs that could be addressed, but we are going to spend taxpayer's money to the tune of millions of dollars to try and incentivize training that is not required. We are going to pay for free background checks, free use of a gun, free ammunition and free training for those that choose to get trained. Two classes in every forty-six counties -- that will require a total of ninety-two SLED officers on the weekends to teach the training class -- meanwhile small businesses who have traditionally provided concealed weapons permit training will be put out of business. We are putting a hole in the state's budget for no reason, as I submit to you that anyone who wants training already has received it.

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The members of the House of Representatives who voted for constitutional carry -- they wanted constitutional carry, not constitutional carry lite. I do not know exactly what to call this, but I want you to be aware that instead of constitutional carry what you are getting is enhanced penalties and coercion to take training you do not want.

We are hamstringing law enforcement on the one side and creating danger for law enforcement officers on the other side. We are doing nothing for everybody who came in here at the beginning of this debate who stated they would only vote in favor of a Bill that requires training. If you vote for this Bill, you caved. For those of you who said I only want constitutional carry and nothing else, you caved too.

This is awful. This is probably the worst piece of legislation we have debated in some time. It unnecessarily spends taxpayer money. It puts guns on the street without required training. It handcuffs law enforcement and endangers their lives. It empowers criminals and creates a "get out of jail free" card for criminals. And it puts small business people, who now teach training classes, out of business. This is a flawed law and should not be passed.

On motion of Senator SABB, with unanimous consent, the remarks of Senator HUTTO were ordered printed in the Journal.

Senator HUTTO moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 13; Nays 28

AYES

Allen	Devine	Hutto
Malloy	Matthews	McElveen
McLeod	Sabb	Senn
Setzler	Stephens	Tedder
Williams		

Total--13

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch

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Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Shealy	Turner	Verdin
Young		

Total--28

Having failed to receive the necessary vote, the motion to table failed.

RECESS

At 11:34 P.M., on motion of Senator HUTTO, the Senate receded from business not to exceed 5 minutes.

At 11:44 P.M., the Senate resumed.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 28; Nays 13

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
<i>Johnson, Michael</i>	Kimbrell	Loftis
Martin	Massey	Peeler
Rankin	Reichenbach	Rice
Shealy	Turner	Verdin
Young		

Total--28

NAYS

Allen	Devine	Hutto
Malloy	Matthews	McElveen
McLeod	Sabb	Senn
Setzler	Stephens	Tedder
Williams		

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Total--13

The amendment was adopted.

Debate was interrupted by adjournment.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator K. JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Tony Junious of Summerton, S.C. Mayor Junious served on the Clarendon School Board for more than twenty years before being elected as Summerton's first black mayor in 2022. Mayor Junious had many accomplishments in his short time as mayor including receiving a \$25,000 hometown grant, a \$12 million dollar infrastructure grant, passing an ordinance on firearms, providing studies on flood zones and broadband internet access to mention a few. Mayor Junious was a loving family man and community member that will be dearly missed.

and

MOTION ADOPTED

On motion of Senator SHEALY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Kathryn Durst of Lexington, S.C. Kathryn was a member of First Baptist Church of Batesburg and retired from BellSouth/AT&T. Kathryn was a loving mother and devoted grandmother who will be dearly missed.

ADJOURNMENT

At 11:49 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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