

## Constitutional Carry Questions Answered

COLUMBIA — Gov. Henry McMaster signed legislation on March 7 making South Carolina the 29th state in the nation to allow residents to carry handguns without a permit.

The bill, fought over for weeks in the Statehouse, represents the largest expansion of gun rights in South Carolina since the state allowed the open carry of handguns for permitted gun owners three years ago.

It gives Palmetto State residents the right to carry firearms in most public places, creating what some advocates call a form of “constitutional carry.” Here’s what to know:

How soon can residents begin carrying guns without a permit?

Once McMaster signed the bill March 7, the measure is in effect.

While it has been legal to openly carry a handgun in South Carolina since 2021, the right was limited only to residents with a concealed weapons permit.

To get one of those under the old law, residents must have been at least 21 years old, undergone eight hours of training and passed a background check.

Now, none of that is required.

### **Does new permitless carry law apply to rifles or just handguns?**

Just handguns.

While there is currently no state requirement for a permit to possess a rifle, shotgun or handgun, the 2021 law on which the permitless carry bill was based only applied to firearms with a length of “less than twelve inches,” according to the bill McMaster signed at the time.

While the change to state law inside of the permitless carry bill interchangeably use the term “firearm” and “handgun,” the bill is very clear the statute only applies to handguns.

That said, South Carolina has had permitless open carry for long guns for years.

**Can handguns be carried anywhere now? Can private businesses exclude them or government buildings like a courthouse, city hall or library?**

No. The bill McMaster signed includes numerous, specific places where guns cannot be carried. These include sensitive places such as:

- Police stations, jails and prisons.
- An active courtroom.
- Polling places on election days.
- The office or meeting place of the governing body of a county, public school district, municipality or special purpose district.
- Day care or preschool facilities.
- Hospitals, medical clinics, doctor's offices or any other facility where medical services or procedures are performed.
- Federal facilities where the open carry of firearms is prohibited.

Like under the 2021 concealed carry bill, guns are not allowed to be carried into any privately owned facility displaying a placard barring gun owners from entering the building.

However, gun owners are allowed to carry their weapons into private residences or even churches with the permission of the building's owner or the pastor in charge.

**What about theaters or concert venues or collegiate football and basketball stadiums?**

Legally, you could carry a firearm into a theater or concert venue on two conditions: as long as they don't specifically bar you from carrying one and as long as they don't serve alcohol.

According to the bill, anyone who is convicted of knowingly carrying a firearm into a business that sells alcoholic liquor, beer or wine for consumption on the premises is guilty of a misdemeanor with a maximum penalty of \$2,000 in fines or a maximum two-year prison sentence.

The bill specifies gun owners are exempt from those penalties if they don't consume alcohol at the facility.

As for collegiate sporting events: Absolutely not. The bill has a specific ban on carrying weapons to any school or college athletic event that is "not related to firearms."

### **What about in a car? Do drivers still have to keep their guns locked in a glove box?**

They do not.

Under the old state law, it was a misdemeanor to have a handgun in the car with you unless it was secured in a closed glove compartment, center console, in the trunk or inside of a secure container.

Concealed carry permit holders could secure their weapons under their seat in a vehicle, in an open or closed container in the vehicle cab or even on their person.

Under the new law, that provision now applies to everyone — though it is still advisable to inform a police officer you are carrying a weapon during a traffic stop.

That said, you are still required to secure your weapon while on any property owned by a school or face a felony charge with a maximum fine of \$5,000, five years in prison or both.

### **What can cause someone to lose their carry privileges?**

If you break any of the above laws, you can be charged with a misdemeanor with a maximum fine of \$1,000 or one year in prison. A second offense is punishable by a maximum prison sentence of three years, while a third offense is punishable by a maximum sentence of five years.

That second strike is also the red line for losing your gun rights, at least temporarily.

According to the bill, it is illegal for anyone who has been sentenced to a maximum term of imprisonment of more than one year to possess a firearm or ammunition in South Carolina, with a first offense amounting to a felony charge worth up to five years in prison, and as much as 30 years in prison for a third offense.

There are some exceptions for some white-collar crimes, however.

That might not hold forever. Senate lawmakers have already expressed openness to running another bill to allow violations of the permitless carry law to be expunged after a certain period of time, the same way the state currently treats drug or traffic offenses.

### **What if I've been convicted of illegally carrying a gun before?**

It doesn't matter. If you were convicted prior to the enactment of this bill of the unauthorized carry and possession of a firearm, commonly known as "UCAP," you can apply for that charge to be expunged under the new law.

### **Can police stop you if they see a gun holstered on your hip?**

According to the new law, simply carrying a weapon "does not give a law enforcement officer reasonable suspicion or probable cause to search, detain, or arrest the person."

But there is nothing in the law preventing an officer from searching, detaining or arresting a person when the officer has an objective and specific suspicion a person carrying a gun is engaged in criminal activity. That includes if a person is carrying a firearm where they're not allowed.

### **What has happened in other states that have passed laws like this?**

Studies have shown mixed impacts on overall gun mortality rates in states that have passed permitless carry legislation.

Several decades of research analyzed by the Rand Institute found differing results on whether "shall-issue" states saw substantial increases in violent crime, while a study commissioned by Ohio Attorney General David Yost after the 2022 passage of their permitless carry bill found gun crime had actually fallen in six of eight cities surveyed.

Others have shown marked increases in gun violence in states that have passed permitless carry.

A 2022 study by researchers at the Johns Hopkins Bloomberg School of Public Health charted a 9.5 percent increase in gun violence rates relative to forecasted trends after 34 states relaxed concealed carry restrictions. Another study in West Virginia found firearm mortality increased by 29 percent in the years after the 2016 passage of its own permitless carry bill, while handgun mortality increased 48 percent.

**Is there any benefit to getting a permit?**

In South Carolina specifically? Yes.

Lawmakers imposed less-harsh penalties for permit holders who violated the law as an incentive for training, though some were concerned that language would be unconstitutional.

If you want to carry your gun in another state, it is advisable you still get your permit. While 29 states now have permit-less carry, the rules vary by state, including some that limit carry only to residents.