



## South Carolina Law Enforcement Division

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### **H. 3594 – Constitutional Carry Guidance**

#### **To Chiefs, Sheriffs, and Law Enforcement Officers:**

H. 3594 as signed by the Governor on March 7, 2024, authorizes individuals who are not otherwise prohibited from possessing a firearm, to legally possess a firearm openly or concealed without training and without a concealed weapons permit issued by SLED. This legislation leaves in place the CWP program run by SLED for individuals who wish to continue carrying a firearm pursuant to a permit. The CWP will continue to give the individual reciprocity with other recognizing states and makes purchasing a firearm from a dealer easier.

- This law is in effect immediately.
- It allows individuals 18 years old and older to carry firearms openly or concealed without a permit.
- There are no restrictions of guns inside vehicles. Guns can be stored anywhere inside the vehicle openly or concealed.
- Possession of a firearm alone is **NOT** a reason to stop an individual. To make a stop, there must be reasonable and articulable suspicion a crime has occurred. Law enforcement officers cannot conduct a stop solely because a firearm is visible.
- A CWP holder or a person carrying a firearm without a permit pursuant to this law **DOES NOT** have a duty to notify a law enforcement officer that they are carrying a firearm.
- Insofar as there is no longer a CWP requirement, a CWP holder is not required to carry his/her CWP or disclose his/her status as a CWP holder to a law enforcement officer.
- Firearms are still prohibited in many locations, including inside schools, churches, law enforcement facilities including detention and correctional facilities, anywhere medical procedures are performed, courthouses, public buildings, and any place clearly marked with a sign prohibiting the carrying of a firearm.
- Individuals 18 years of age and older will now be eligible to apply for a CWP.

### **Establishes State Funded Firearms Training Administered by SLED and CWP Instructors**

Over the next several months, SLED will develop a training program and a list of certified CWP instructors to provide South Carolinians with firearm training pursuant to this law. This training will not be available to the public until the General Assembly appropriates funding in this year's

budget. Likewise, SLED cannot reimburse CWP instructors until funding is appropriated in this year's budget.

(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.

#### **Establishes Increased Graduated Penalties for Unlawful Possession/Carry of a Firearm**

A person violating the provisions of Section 16-23-20 is guilty of:

(1) a **misdemeanor** and, upon conviction, must be fined not more than one thousand dollars or **imprisoned not more than one year**, or both, **for a first offense**;

(2) a **misdemeanor** and, upon conviction, must be **imprisoned not more than three years for a second offense**; or

(3) a **felony** and, upon conviction, must be **imprisoned not more than five years for a third or subsequent offense**.

#### **Establishes Real Felon in Possession of a Firearm with Graduated Mandatory Minimum Penalties**

It is unlawful for a person who has been convicted of a crime punishable by a maximum term of imprisonment of more than one year to possess a firearm or ammunition within this State.

For the purpose of this section, "crime punishable by a maximum term of imprisonment of more than one year" does not include:

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

(2) any offense classified by the laws of this State or another jurisdiction as a misdemeanor and punishable by a term of imprisonment of five years or less; or

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

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

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

- (2) for a **second offense, must be imprisoned for a mandatory minimum of five years, but not more than twenty years;** and
- (3) for a **third or subsequent offense, must be imprisoned for a mandatory minimum of ten years, but not more than thirty years.**

**Establishes an Increased Penalty for a Person who Commits a Crime Involving a Firearm and Does Not Possess a CWP and Establishes an Informative Statewide Advertising Initiative**

(A) A person convicted of committing or attempting to commit a crime involving a concealable weapon, as defined by Section 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 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.

**Firearms in Vehicles**

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.

**Establishes a Requirement to Report a Lost or Stolen Firearm**

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.

### **Clerks of Court and Public Defenders**

Adds Clerks of Court and Public Defenders to the list of officials who can carry a firearm with a valid CWP anywhere in the state. (Public defenders and assistant public defenders may not carry a concealable weapon into a local or state correctional facility)

### **Prohibited Locations**

- (1) law enforcement, correctional, or detention facility;
- (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 and during the time that court is in session;
- (3) polling place on election days;
- (4) office of or business meeting of the governing body of a county, public school district, municipality, or special purpose district;
- (5) school or college athletic event not related to firearms;
- (6) daycare facility or preschool facility;
- (7) place where the carrying of firearms is prohibited by federal law;
- (8) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;
- (9) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed, unless expressly authorized by the appropriate entity;
- (10) residence or dwelling place of another person without the express permission of the owner or person in legal control or possession of the residence or dwelling place, as appropriate; or
- (11) place clearly marked with a sign prohibiting the carrying of a 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.