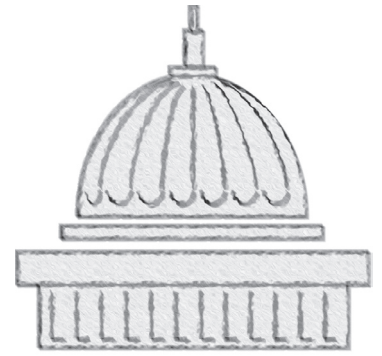


F. NRA / ILA Firearms Laws for

SOUTH CAROLINA

(As of December, 2009)



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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	No
Registration of Firearms	No	No
Licensing of Owners	No	No
Permit to Carry	No	Yes

STATE CONSTITUTIONAL PROVISION

"A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." Article 1, Section 20.

PURCHASE

Any resident who may lawfully purchase and receive delivery of a rifle or shotgun in South Carolina may purchase a rifle or shotgun in a contiguous state from a federally firearms licensee (FFL), provided that the sale meets all federal requirements. A resident of any state may purchase a rifle or shotgun in South Carolina if the person conforms to the applicable provisions of the statutes and regulations of this state, the federal statutes and those of the state in which the person resides.

It is unlawful to transfer a handgun in any manner to a person who is prohibited from possessing a handgun.

A person may not purchase a pistol from a dealer unless he is a resident of South Carolina. The possession of a valid South Carolina driver's license or Department of Motor Vehicles identification card constitutes proof of residency. Residency is not required of a person who is on active duty in the United States military and who is in possession of a current United States military identification card.

The purchase of a pistol does not include the redeeming of a pistol by its owner after it has been pledged to secure a loan.

POSSESSION

No state permit is required to possess a rifle, shotgun, or handgun.

It is unlawful for the following persons to possess a handgun:

- Any person who has been convicted of a crime of violence.
- Any person who is a member of a subversive organization, fugitive from justice, habitual drunkard or drug addict or who has been adjudicated mentally incompetent.
- Any person under 21, but this does not apply to the temporary loan of a handgun for instruction purposes when the minor is under the immediate supervision of a parent or adult instructor, or members of the armed

forces.

- Any person who had been adjudged unfit to carry or possess a handgun by an order of a circuit or county court judge.

CARRYING

It is unlawful to carry a firearm onto private or public school property (not including roads which are open to public traffic) or into any publicly owned building without express permission. This prohibition does not apply to law enforcement officers, or to concealed weapons permittees when they are upon property that is part of an interstate highway rest area facility.

It is unlawful to carry about the person a handgun concealed or unconcealed except as follows:

- Law enforcement officers and prison guards while they are on duty.
- Members of the armed forces, reserve forces, National Guard, or State Militia, when on duty.
- Members of organizations authorized by law to buy or receive firearms from the United States or South Carolina, or regularly enrolled members of target shooting or firearms collecting clubs while these members are at or going to or from their places of target practice or their shows and exhibits.
- Licensed hunters or fishermen while engaged in hunting or fishing or going to or from their places of hunting or fishing.
- Persons while possessing, using, or carrying a handgun in the usual or ordinary course of their business involving firearms.
- Authorized military or civil organizations and their members while parading or going to and from the places of their respective organizations.
- Any person in his home, or upon his real property, or fixed place of business.
- Any person in a vehicle where the handgun is secured in a closed glove compartment, closed console or closed trunk. The handgun may be loaded.
- Any person carrying an unloaded handgun in a secure wrapper from the place of purchase to his home, fixed place of business or while moving.
- Any person who is granted a permit under provision of law by the State Law Enforcement Division and who carries a handgun within the limitations of the permit.
- A person on school property is authorized to carry a concealed weapon when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

The State Law Enforcement Division must issue permits to carry handguns to a person who is a resident of South Carolina, or a non-resident who owns property in South Carolina, or military personnel on permanent

change of station orders; who is not prohibited from possessing a firearm; who is at least 21; who provides one current full face color photograph; proof of residence; proof of actual or corrected 20/40 vision; proof of training; and fingerprints.

Permits and renewals are valid for four years and cost \$50. An appeal from a denial of a permit may be taken to the Chief of the State Law Enforcement Division. Renewal is available upon payment of a \$50 renewal fee, completion of a renewal application and submission of a copy of the applicant's valid South Carolina driver's license or South Carolina identification card. Once a permit holder is no longer a resident of the state, the permit is void and must be surrendered.

A concealed carry permit does not authorize the holder to carry a concealed weapon into a:

- Law enforcement office or facility.
- Detention or correctional facility.
- Courthouse or courtroom.
- Polling place on election days.
- Office of the governing body of a county, public school district, municipality, or special purpose district.
- School or college athletic event not related to firearms.
- Day care or pre-school facility.
- Place where federal law prohibits the carrying of firearms.
- Medical services facilities.
- Religious sanctuaries unless express permission is given by an appropriate official.
- Private property where prohibited by legal owner.

Anyone in legal control of property may prohibit the carrying of concealable weapons by posting signs expressing the prohibition at each entrance to the building.

Valid out-of-state permits to carry concealable weapons held by a resident of a reciprocal state must be honored by this State, provided, that the reciprocal state requires an applicant to successfully pass a criminal background check and a course in firearm training and safety. A resident of a reciprocal state carrying a concealable weapon in South Carolina is subject to and must abide by the laws of South Carolina regarding concealable weapons. SLED shall maintain and publish a list of those states as the states with which South Carolina has reciprocity.

The carrying of loaded rifles and shotguns may be limited to certain areas during game seasons and is prohibited at all times in certain designated areas. It is unlawful in any park or facility under the jurisdiction of the S.C. Dept. of Parks, Recreation and Tourism to possess any firearm except in areas specifically designated for use of firearms. Licensed hunters may have firearms in their possession during hunting seasons provided such firearms are unloaded and carried in a case or trunk of a vehicle. These prohibitions do not apply to a person carrying a concealable weapon with a permit.

Any person convicted of carrying a pistol or firearm onto the premises of a business which sells alcoholic beverages for consumption on the premises shall be subject to an additional penalty of up to 3 years imprisonment and/ or \$2,000 fine.

MACHINE GUNS

A machine gun is defined as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. It also includes the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun and any

combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

It is unlawful for a person to possess a machine gun, sawed off shotguns and sawed off rifles. Those not subject to the prohibition include members of the armed forces, the National Guard, law enforcement officers, railway policemen, and persons whose employment involves keeping custody of prisoners. Other persons may possess machine guns kept for display as relics and which are rendered harmless and not usable. All machine guns, operable or nonoperable, must be registered with the State Law Enforcement Division.

Prohibitions on possession of machine guns also do not apply to any manufacturer of machine guns or military firearms licensed pursuant to federal law, any person authorized to purchase these weapons by a federal agency, or persons licensed to possess machine guns by the South Carolina Law Enforcement Division.

ANTIQUES & REPLICAS

The statutory definition of a pistol does not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges. It is the policy of the state to use federal Bureau of Alcohol, Tobacco and Firearms guidelines on classifying antiques, curios, collector's items, or handguns not firing fixed cartridges. Such firearms are exempt from state purchase requirements mentioned above, but law enforcement authorities do not consider antiques exempt from the limitations on carrying.

MISCELLANEOUS

A person who commits or attempts to commit assault with intent to kill, arson, armed robbery, burglary, drug trafficking, murder, voluntary manslaughter, kidnapping, or criminal sexual conduct while possessing or displaying a firearm or what appears to be a firearm shall in addition to the punishment provided for the crime be sentenced to a mandatory term of 5 years.

No person shall knowingly buy, sell, transport, pawn, receive, or possess any stolen handgun or one from which the original serial number has been removed or obliterated.

It is unlawful for any person to construct, set, or place a loaded trap gun, spring gun, or any like device in any building or in any place.

It is unlawful to discharge a firearm at or into a house, dwelling or other building regularly occupied by people. It is unlawful for a person to discharge a firearm at a vehicle, aircraft, watercraft or other conveyance while it is occupied.

It is unlawful to discharge a firearm while under the influence of alcohol or controlled substance.

No governing body of any county, municipality, or other political subdivision in this State may enact or promulgate any regulation or ordinance which regulates or attempts to regulate the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of these things.

Sources: South Carolina Code Ann. §§ 16-23-20; 16-23-30; 16-23-210; 16-23-220; 16-23-230; 16-23-240; 16-23-250; 16-23-430; 16-23-440; 16-23-465; 16-23-490; 16-23-520; 23-31-10; 23-31-20; 23-31-140; 23-31-180; 23-31-215; 23-31-220; 23-31-225; 23-31-400; 23-31-510; 51-3-145

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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