

# South Carolina Gun Laws

## SC Gun Laws Overview

	RIFLES & SHOTGUNS	HANDGUNS
<b>Permit to Purchase</b>	No	No
<b>Registration of Firearms</b>	No	No
<b>Licensing of Owners</b>	No	No
<b>Permit to Carry</b>	No	Yes

## SC Laws on Purchase, Possession and Carrying of Firearms

### Purchase

Any resident of this State including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in another state; provided that the sale meets the lawful requirements of each state, meets all lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

“Dealer” means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.

## **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.
- A fugitive from justice.
- A habitual drunkard or drug addict or who has been adjudicated mentally incompetent.
- A person under the age of eighteen, but this shall not apply to the issue of handguns to members of the Armed Forces of the United States, active or reserve, National Guard, State Militia, or R. O. T. C., when on duty or training.
- The temporary loan of handguns to a person under the age of eighteen for instructions while under the immediate supervision of a parent or adult instructor.
- Any person who had been adjudged unfit to carry or possess a handgun by an order of a circuit or county court judge.
- Any person under 18 in a car unless the handgun is stored in the vehicle in line with the state storage laws.

## **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, or in a closed container "secured by an integral fastener and transported in the luggage compartment of the vehicle." The handgun may be loaded. If the person has been issued a concealed weapon permit pursuant to state law, the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment, or concealed on or about his person in the vehicle. The 'luggage compartment' means the trunk of a motor vehicle for vehicles that have a trunk; for vehicles which do not have a trunk, 'luggage compartment' means the area in which the manufacturer designed that luggage be carried or the area of the motor vehicle in which luggage is customarily carried. In a station wagon, van, hatchback vehicle, truck, or sport utility vehicle, the term 'luggage compartment' refers to the area behind the rearmost seat.
- 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.

The State Law Enforcement Division (SLED) shall issue a permit to carry a handgun to a person who is a resident of South Carolina, or a non-resident who owns property in South Carolina, or to military personnel on permanent change of station orders; who is not prohibited from possessing a firearm; who is at least 21; and who provides a completed application; a photocopy of a driver's license or photographic identification card; proof of residence (or if the person is a non-resident, proof of ownership of real property in the state); proof of actual or corrected 20/40 vision or presentation of a valid SC driver's license; proof of training; and fingerprints.

Permits and renewals are valid for four years (permits issued after Feb. 11, 2014 are valid for five 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 the applicant's valid picture identification or a facsimile copy. Once a permit holder is no longer a resident of the state or, in the case of a non-resident, ceases to own property in the state, the permit is void and must be surrendered to a sheriff, police department, a SLED agent, or by certified mail, to the Chief of SLED. It is an offense to fail to surrender a permit when required to do so.

A permit holder must have his permit card in his or her possession whenever he or she carries a concealable weapon.

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

- Law enforcement facility.
- Detention or correctional facility.
- Courthouse or courtroom.
- Polling place on election days.
- Office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district.
- School or college athletic event not related to firearms.
- Daycare or preschool facility.
- Place where federal law prohibits the carrying of firearms.
- Hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer.
- Church or other established religious sanctuary unless express permission is given by an appropriate official or governing body.
- Place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23-31-220 (public or private employer or private property) and 23-31-235 (sign requirements), except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary.
- Residence or dwelling place of another person without the express permission of the owner or person in legal control or possession.

A person or entity in legal possession or control of property may prohibit the carrying of concealable weapons by posting signs, as required by law, expressing the prohibition at each entrance to the building.

A property owner, holder of a lease interest, or operator of a business may request that a person carrying a concealable weapon leave the business premises, or any portion of the premises, or request that a person carrying a concealable weapon remove the concealable weapon from the business premises or any portion of the premises. A person carrying a concealable weapon who refuses to leave when so requested, or refuses to remove the concealable weapon from the premises when requested, may be charged and upon conviction, be fined not more than two thousand dollars or imprisoned not more than two years, or both.

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 2 years' imprisonment and/or a \$2,000 fine. This does not apply to a person carrying a concealable weapon pursuant to and in compliance with the state concealed weapon permit laws; however, for this exemption to apply, the permit holder cannot consume any alcoholic beverages while carrying the concealable weapon on the business premises. Otherwise, the same penalty (up to 2 years' imprisonment and/or \$2,000 fine) may apply.

### **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.

Sawed off shotguns and sawed off rifles may be possessed in compliance with federal and state

### **Antiques and 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.

### **Preemption**

S.C. Code Ann. § 23-31-510 (2011) No governing body of any county, municipality, or other political subdivision in the State may enact or promulgate any regulation or ordinance that regulates or attempts to regulate

S.C. Code Ann. § 23-31-510 (2011)

§ 23-31-510. Regulation of ownership, transfer, or possession of firearm or ammunition; discharge on landowner's own property.

No governing body of any county, municipality, or other political subdivision in the State may

enact or promulgate any regulation or ordinance that regulates or attempts to regulate:

(1) the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of these things; or

(2) a landowner discharging a firearm on the landowner's property to protect the landowner's family, employees, the general public, or the landowner's property from animals that the landowner reasonably believes pose a direct threat or danger to the landowner's property, people on the landowner's property, or the general public. For purposes of this item, the landowner's property must be a parcel of land comprised of at least twenty-five contiguous acres. Any ordinance regulating the discharge of firearms that does not specifically provide for an exclusion pursuant to this item is unenforceable as it pertains to an incident described in this item;

### **Range Protection**

S.C. CODE ANN. § 31-18-30 (2011)

Except as provided in this subsection, a person may not maintain a nuisance action for noise against a shooting range, or the owners, operators, or users of the range, located in the vicinity of that person's property if the shooting range was established as of the date the person acquired the property.

S.C. CODE ANN. § 31-18-30 (2011)

§ 31-18-30. Nuisance action.

(A) Except as provided in this subsection, a person may not maintain a nuisance action for noise against a shooting range, or the owners, operators, or users of the range, located in the vicinity of that person's property if the shooting range was established as of the date the person acquired the property. If there is a substantial change in the use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within three years from the beginning of the substantial change.

(B) A person who owns property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action for noise against that shooting range, or the owners, operators, or users of the range, only if the action is brought within five years after establishment of the range or three years after a substantial change in use of the range.

(C) If there has been no shooting activity at a range for a period of three years, resumption of shooting is considered establishment of a new shooting range for purposes of this section. The three-year period shall be tolled if shooting activity ceases due to legal action against the shooting range or the owners, operators, or users of the shooting range.

### **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.



# **South Carolina Gun Laws**

## **Notes Page**