



## South Carolina

### Summary of State Firearms Law

Last Updated March 15, 2012

### Overview

In its publication [Gun Laws Matter: A Comparison of State Firearms Laws and Statistics](#), LCAV ranked each state based on a review of state laws in 25 different firearm-related policy areas. South Carolina ranked 31<sup>st</sup> out of 50 – having enacted few gun violence prevention laws. Among other things, South Carolina:

- Requires retail [handgun dealers to obtain a state license](#); and
- Imposes a melting point test, a form of [design safety standard, for handguns](#).

However, South Carolina law does **not**:

- Require a background check prior to [the transfer of a firearm between unlicensed individuals](#);
- Regulate the transfer or possession of [assault weapons](#), [50 caliber rifles](#) or [large capacity ammunition magazines](#);
- Require firearm owners to [obtain a license](#), [register their firearms](#), or [report lost or stolen firearms](#);
- Require the [reporting of mental health information](#) to the federal database used for firearm purchaser background checks;
- Impose a [waiting period](#) prior to purchase of a firearm;
- Limit the [number of firearms](#) that may be purchased at one time;
- Significantly [regulate ammunition sales](#);
- Allow [local governments](#) to regulate firearms or ammunition; or
- Give law enforcement discretion to deny [a concealed handgun permit](#).

## South Carolina Statistics

### Gun Deaths

South Carolina ranks 12th among the states in the number of gun deaths per capita. In 2009, 634 people died from firearm-related injuries in South Carolina.<sup>1</sup>

### Crime Guns

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [South Carolina](#) supplied the sixth highest number of crime guns to other states per capita. South Carolina exports far more crime guns than it imports.<sup>2</sup>

### Number of Federally Licensed Firearms Dealers

There are 872 federally licensed firearms dealers and pawnbrokers in South Carolina.<sup>3</sup>

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<sup>1</sup> National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Fatal Injury Reports, 1999-2009, for National, Regional, and States (RESTRICTED)*, at [http://webappa.cdc.gov/sasweb/ncipc/dataRestriction\\_inj.html](http://webappa.cdc.gov/sasweb/ncipc/dataRestriction_inj.html). (Jan. 2012).

<sup>2</sup> For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

<sup>3</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (January 2012), at <http://www.atf.gov/about/foia/ffl-list.html>.

## **South Carolina “Right to Bear Arms”**

The Constitution of South Carolina provides for the keeping and bearing of arms, but permits the regulation of firearms for public health and safety purposes. See LCAV’s [State Right to Bear Arms Provisions](#) for more-detailed information.

## **Local Authority to Regulate Firearms in South Carolina**

South Carolina has preempted most areas of local firearms regulation. See LCAV's [State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

## State Firearms Policies in South Carolina

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

### Persons Prohibited from Firearm Possession

#### South Carolina Prohibited Purchasers Generally

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

A law South Carolina adopted in 2010 makes it unlawful for a person who has been convicted of a “violent crime,” as defined by South Carolina law, to possess a firearm or ammunition if the violent crime is also classified as a felony offense.<sup>4</sup>

South Carolina prohibits any person from possessing or acquiring a handgun if he or she:

- Has been convicted of a “crime of violence” in any court (“crime of violence” includes murder; manslaughter (except negligent manslaughter arising out of traffic accidents); rape; mayhem; kidnapping; burglary; robbery; housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment for more than one year);
- Is a fugitive from justice;
- Is a habitual drunkard;
- Is a drug addict;
- Has been adjudicated mentally incompetent;
- Is a member of a subversive organization;
- Is under age 18 (except for a member of the U.S. Armed Forces, active or reserve, National Guard, state militia or R.O.T.C., when on duty or training; and except for the temporary loan of a handgun for instruction under the immediate supervision of a parent or adult instructor); or
- Is a person who, by order of a circuit judge or county court judge of South Carolina, has been adjudged unfit to carry or possess a firearm (such adjudication may be

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<sup>4</sup> S.C. Code § 16-23-500.

made upon application by any police officer or prosecuting officer of South Carolina, or by the court on its own initiative).<sup>5</sup>

The state also prohibits the purchase, sale, lease, rental, barter, exchange, transportation into the state or possession of a firearm by an alien unlawfully present in the U.S.<sup>6</sup>

In addition, South Carolina prohibits providing patients and prisoners under the jurisdiction of the South Carolina Department of Mental Health (“SCDMH”) with access to firearms.<sup>7</sup> Furthermore, patients receiving inpatient services in a program under the jurisdiction of the Division of Alcohol and Drug Addiction Services of the SCDMH in a treatment facility operated by SCDMH cannot possess firearms.<sup>8</sup> A juvenile committed to the custody of the Department of Juvenile Justice is also prohibited from possessing a firearm.<sup>9</sup>

A person may not purchase a handgun from a licensed firearms dealer unless he or she is a resident of South Carolina.<sup>10</sup>

For information on the background check process used to enforce these provisions, see the [South Carolina Background Checks](#) section.

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<sup>5</sup> S.C. Code Ann. § 16-23-30(B).

<sup>6</sup> S.C. Code Ann. § 16-23-530(A).

<sup>7</sup> S.C. Code Ann. § 44-23-1080.

<sup>8</sup> S.C. Code Ann. § 44-52-165(A).

<sup>9</sup> S.C. Code Ann. § 63-19-1670(A), (B)(1).

<sup>10</sup> S.C. Code Ann. § 23-31-140.

## South Carolina Minimum Age to Purchase / Possess Firearms

South Carolina prohibits any person under age 18 from possessing or acquiring a handgun.<sup>11</sup> Firearms dealers are prohibited from knowingly selling, offering for sale, delivering, leasing, renting, bartering, or exchanging any handgun to any person under age 18.<sup>12</sup>

There is no minimum age to purchase or possess rifles in South Carolina.

[Federal age restrictions](#) impose stricter limits.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

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<sup>11</sup> S.C. Code Ann. § 16-23-30.

<sup>12</sup> *Id.*

## Domestic Violence and Firearms in South Carolina

*(This section was last updated November 2, 2010.)*

South Carolina law does **not**:

- Prohibit individuals convicted of domestic violence misdemeanors from possessing firearms or ammunition (unlike [federal law](#));
- Prohibits individuals subject to domestic violence protective orders from possessing firearms or ammunition (unlike [federal law](#));
- Require courts to notify domestic abusers when they become prohibited from possessing firearms or ammunition under [federal law](#);
- Require the surrender of firearms or ammunition by domestic abusers who have become prohibited from possessing firearms or ammunition under federal law; or
- Explicitly authorize or require the removal of firearms or ammunition at the scene of a domestic violence incident.

In 2009, South Carolina enacted a law requiring a court, at the time a person is convicted of domestic violence or aggravated domestic violence, to deliver to the person a written form that notifies the person of the [federal law](#) prohibiting possession of firearms or ammunition.<sup>13</sup>

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

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<sup>13</sup> 2009 S.C. Acts 59 § 6 (codified as S.C. Code Ann. § 16-25-30).

## Disarming Prohibited Persons in South Carolina

*(This section was last updated November 2, 2010.)*

South Carolina does not have a law requiring the confiscation of all firearms owned by a [person who has become prohibited from possessing firearms](#). Any person convicted of a crime that involved a firearm, however, will have the gun used in the commission or in furtherance of the crime confiscated.<sup>14</sup> The firearm must be delivered to the chief of police of the municipality, or the sheriff of the county if the violation occurred outside the corporate limits of a municipality.<sup>15</sup> The agency that receives the confiscated weapon may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell handguns in the state for a gun or other equipment approved by the agency, or destroy it.<sup>16</sup>

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<sup>14</sup> S.C. Code Ann. § 16-23-405(B).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

## Sales & Transfers

### Background Checks in South Carolina

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

South Carolina is not a point of contact state for firearm purchaser background checks.<sup>17</sup> In South Carolina, firearms dealers must initiate the background check required by federal law by contacting the FBI directly.

Federal law does not require dealers to conduct a background check if a firearm purchaser presents a state permit to purchase or possess firearms that meets certain conditions.<sup>18</sup> As a result, concealable weapons permit holders in South Carolina are exempt from the [federal background check requirement](#).<sup>19</sup> (Note, however, that people who have become prohibited from possessing firearms may continue to hold state permits to purchase or carry firearms if the state fails to remove these permits in a timely fashion.)

South Carolina law states that a person must be a resident of South Carolina to purchase a handgun from a South Carolina dealer, and that the possession of a valid South Carolina driver's license or Department of Motor Vehicles identification card constitutes proof of residency.<sup>20</sup> A dealer may not sell a handgun without clear evidence as to the identity of the purchaser being furnished to the dealer.<sup>21</sup>

South Carolina does not require private sellers (sellers who are not licensed dealers) to initiate a background check when transferring a firearm. See [Regulating Guns in America: Private Sales](#).

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<sup>17</sup> Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map>.

<sup>18</sup> Federal law exempts persons who have been issued state permits to purchase or possess firearms from background checks if those permits were issued: 1) within the previous five years in the state in which the transfer is to take place; and 2) after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful. [18 U.S.C. § 922\(t\)\(3\)](#), [27 C.F.R. § 478.102\(d\)](#).

<sup>19</sup> Bureau of Alcohol, Tobacco, Firearms & Explosives, U.S. Department of Justice, *Brady Law: Permanent Brady Permit Chart* (Aug. 26, 2011), at: <http://www.atf.gov/firearms/brady-law/permit-chart.html>.

<sup>20</sup> S.C. Code Ann. § 23-31-140.

<sup>21</sup> S.C. Code Ann. § 23-31-150(b).

## Mental Health Reporting in South Carolina

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”<sup>22</sup> No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

South Carolina has no law requiring the reporting of mental health-related information to the NICS system.

For general information on the background check process and categories of prohibited purchasers or possessors, see the [South Carolina Background Checks](#) section and the section entitled [Prohibited Purchasers Generally](#).

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<sup>22</sup> [18 U.S.C. § 922\(d\)\(4\)](#).

## Multiple Purchases / Sales of Firearms in South Carolina

South Carolina imposes no restrictions on purchases or sales of multiple firearms.<sup>23</sup>

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

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<sup>23</sup> A 30 year-old law restricting handgun purchases to one per person per month was repealed in 2004. See [2004 S.C. Acts 242](#).

## **Retention of Sales / Background Check Records in South Carolina**

South Carolina has no laws requiring the retention of sales or background check records by firearm sellers.<sup>24</sup>

See [\*Regulating Guns in America: Retention of Firearm Sales and Background Check Records\*](#) for a comprehensive discussion of this issue.

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<sup>24</sup> Dealers must make all handguns in their possession available for inspection by local law enforcement, during normal business hours. S.C. Code Ann. § 23-31-150(e). No similar provision governs sales records.

## **South Carolina Waiting Periods**

South Carolina has no law imposing a waiting period prior to purchase of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

## Gun Dealers & Other Sellers

### South Carolina Dealer Regulations

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent the ATF from properly overseeing all its licensees.

South Carolina requires that any retail dealer selling or otherwise transferring a handgun, exposing a handgun for sale or transfer, or having a handgun in his or her possession with the intent to sell or otherwise transfer it must possess a dealer license.<sup>25</sup>

The South Carolina State Law Enforcement Division ("SLED") must grant a dealer license to any person doing business in South Carolina who is not ineligible to purchase, acquire or possess a handgun or be licensed as a dealer.<sup>26</sup> Licenses are valid for two years.<sup>27</sup>

Licensed dealers are authorized to sell handguns at retail subject to the following conditions, the breach of any of which results in forfeiture of the license:

- The license must at all times and places of sale be available for inspection or displayed where it can easily be read;
- No handgun may knowingly be sold in violation of South Carolina law, and no handgun may be sold without clear evidence as to the identity of the purchaser;
- Applicants for a dealer license must post with SLED a bond in favor of the state with surety in the amount of \$10,000. In lieu of a bond, a cash deposit or a deposit of other securities acceptable to SLED \$10,000 in value are acceptable;
- Dealers must make available for inspection by the chief of SLED or his or her agents, during normal business hours, all handguns in their possession;
- Applicants for a license shall furnish to SLED a current federal firearms license and are required to maintain that federal firearms license in good standing as a condition of holding a South Carolina retail dealer license; and
- Any violation of South Carolina law by a dealer will result in forfeiture of the dealer license.<sup>28</sup>

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<sup>25</sup> S.C. Code Ann. § 23-31-130.

<sup>26</sup> S.C. Code Ann. § 23-31-150.

<sup>27</sup> *Id.*

<sup>28</sup> S.C. Code Ann. § 23-31-150.

For laws:

- Applicable to both licensed and private firearm sellers, please see the [South Carolina Private Sales](#) section;
- Requiring firearm dealers to conduct a background check on purchasers, see the [South Carolina Background Checks](#) section;
- Requiring firearm dealers to ensure that purchasers possess a locking device, see the [South Carolina Locking Devices](#) section; and
- Prohibiting dealers from selling unsafe handguns, see the section entitled [Design Safety Standards for Handguns](#).

## Private Sales in South Carolina

Private firearms transfers (i.e., transfers by non-firearms dealers) are not subject to a background check requirement in South Carolina.

South Carolina law prohibits knowingly selling, offering to sell, delivering, leasing, renting, bartering, exchanging, or transporting for sale into the state any handgun to a person prohibited from possessing handguns under South Carolina law.<sup>29</sup> For a list of these individuals, see the section entitled [South Carolina Prohibited Purchasers Generally](#).

South Carolina prohibits the furnishing of a firearm to:

- A juvenile committed to the custody of the Department of Juvenile Justice while on the institutional grounds of the Department;<sup>30</sup>
- A patient or prisoner of the South Carolina Department of Mental Health ("SCDMH");<sup>31</sup> or
- A patient receiving inpatient services in a program under the jurisdiction of the SCDMH.<sup>32</sup>

South Carolina also prohibits any person from knowingly selling, offering, delivering, leasing, renting, bartering, exchanging a firearm to someone who is not lawfully present in the U.S.<sup>33</sup>

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

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<sup>29</sup> S.C. Code Ann. § 16-23-30(A).

<sup>30</sup> S.C. Code Ann. § 63-19-1670.

<sup>31</sup> S.C. Code Ann. § 44-23-1080.

<sup>32</sup> S.C. Code Ann. § 44-52-165.

<sup>33</sup> S.C. Code Ann. § 16-23-530(B).

## **South Carolina Gun Shows**

South Carolina does not explicitly regulate gun shows. See the [South Carolina Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

## South Carolina Immunity Statutes

*(This section was last updated November 2, 2010.)*

South Carolina law provides that in a products liability action involving firearms or ammunition, the determination whether a firearm or ammunition shell is defective in design must not be based on a comparison or weighing of the benefits of the product against the risk of injury, damage, or death posed by its potential to cause that injury, damage, or death when discharged.<sup>34</sup>

Moreover, in a products liability action brought against a firearm or ammunition manufacturer, importer, distributor, or retailer that alleges a design defect, the burden is on the plaintiff to prove, in addition to any other required elements, that:

- The actual design of the firearm or ammunition was defective, causing it not to function in a manner reasonably expected by an ordinary consumer of firearms or ammunition; and
- Any defective design was the proximate cause of the injury, damage, or death.<sup>35</sup>

The state also prohibits 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 when the person acquired the property, except if there is a substantial change in the use of the range within the last three years.<sup>36</sup> A person who acquired property before a shooting range is established in the vicinity may maintain a nuisance action regarding noise against the range 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.<sup>37</sup> See the [South Carolina State Preemption/Local Authority to Regulate](#) section for further information.

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

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<sup>34</sup> S.C. Code Ann. § 15-73-40(A).

<sup>35</sup> S.C. Code Ann. § 15-73-40(B).

<sup>36</sup> S.C. Code Ann. § 31-18-30(A).

<sup>37</sup> S.C. Code Ann. § 31-18-30(B).

## **Gun Owner Responsibilities**

### **Licensing of Gun Owners or Purchasers in South Carolina**

South Carolina has no law requiring gun owners or purchasers to obtain a license.

See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

## **South Carolina Registration of Firearms**

South Carolina has no law requiring firearms to be registered.

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

## **Reporting Lost or Stolen Firearms in South Carolina**

South Carolina does not require firearm owners to report the loss or theft of a firearm.

See [Regulating Guns in America: Reporting Lost or Stolen Firearms](#) for a comprehensive discussion of this issue.

## Firearms in Public Places

### Concealed Weapons Permitting in South Carolina

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

South Carolina generally requires a person to obtain a concealable weapons permit prior to carrying a handgun, whether concealed or unconcealed. Exceptions include:

- A licensed hunter or fisherman engaged in hunting or fishing or going to or from hunting or fishing while in a vehicle or on foot;
- Members and guests of organizations or clubs engaging in target shooting or collecting modern and antique firearms;
- In his or her home or on his or her real property or acting with the permission of the owner or person in legal possession or control of the home or real property; or
- The owner or person in legal possession or legal control of a fixed place of business, while at the place of business.<sup>38</sup>

South Carolina is a “shall issue” state, meaning that the South Carolina Law Enforcement Division (“SLED”) must issue a concealable weapons permit if the applicant meets certain qualifications. More specifically, SLED must issue a permit to any state resident or qualified nonresident who is at least 21 years of age, not [prohibited by state law from possessing the firearm](#), and who has submitted “proof of training.”<sup>39</sup> A “qualified nonresident” of South Carolina for purposes of a permit to carry a concealable weapon is any individual who owns real property in South Carolina but resides in another state.<sup>40</sup>

### Firearm Safety Training

As part of the application for a permit, an applicant must submit “proof of training.”<sup>41</sup> “Proof of training” means a document that certifies that the applicant has demonstrated a proficiency in both the use of handguns and state laws pertaining to handguns, or has completed an eight-hour handgun education course offered by a law enforcement agency or nationally-recognized organization that promotes gun safety.<sup>42</sup> The course must include:

- Information on state law relating to handguns and the use of deadly force;
- Information on handgun use and safety;

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<sup>38</sup> S.C. Code Ann. §§ 16-23-20, 16-23-460.

<sup>39</sup> S.C. Code Ann. § 23-31-215(A).

<sup>40</sup> S.C. Code Ann. § 23-31-210(2).

<sup>41</sup> S.C. Code Ann. § 23-31-215(A)(5).

<sup>42</sup> S.C. Code Ann. § 23-31-210(5).

- Information on the proper storage practice for handguns, with an emphasis on storage practices that reduce the possibility of accidental injury to a child; and
- The actual firing of the handgun in the presence of an instructor.<sup>43</sup>

SLED is required to promulgate regulations containing guidelines for the courses and their instructors.<sup>44</sup>

### **Duration & Renewal**

A concealable weapons permit is valid for four years.<sup>45</sup> SLED will renew a permit upon completion of a renewal application, submission of a photocopy of the applicant's South Carolina driver's license or identification card, and submission of a renewal fee.<sup>46</sup>

Upon submission of these renewal application materials, SLED must conduct or facilitate a local, state and federal fingerprint review of the applicant, and must renew the permit if the background check is favorable to the applicant.<sup>47</sup>

### **Disclosure or Use of Information**

In South Carolina, SLED must maintain a list of all permit holders and the current status of each permit.<sup>48</sup> SLED may release the list of permit holders or verify an individual's permit status only if the request is made by a law enforcement agency to aid in an official investigation, or if the list is required to be released pursuant to a subpoena or court order.<sup>49</sup>

During the first quarter of each calendar year, SLED must publish a report including, for the previous calendar year, the number of valid permits, permits issued, denied, renewed, suspended, or revoked, and the name, address, and county of any person whose permit was revoked, including the reason for the revocation. The report must include a breakdown of such information by county.<sup>50</sup>

### **Reciprocity**

Valid out-of-state permits to carry concealable weapons held by a resident of a reciprocal state must be honored by South Carolina, provided the reciprocal state requires applicants to pass a criminal background check and a firearms safety and training course.<sup>51</sup> SLED must maintain and publish a list of those states with which South Carolina has reciprocity.<sup>52</sup> The current list of states with which South Carolina has reciprocity can be viewed at the [SLED website](#).

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<sup>43</sup> *Id.*

<sup>44</sup> *Id.* The guidelines are available at S.C. Code Regs. 73-300 - 73-340.

<sup>45</sup> S.C. Code Ann. § 23-31-215(P).

<sup>46</sup> *Id.*

<sup>47</sup> S.C. Code Ann. § 23-31-215(Q).

<sup>48</sup> S.C. Code Ann. § 23-31-215(I).

<sup>49</sup> *Id.*

<sup>50</sup> S.C. Code Ann. § 23-31-215(T).

<sup>51</sup> S.C. Code Ann. § 23-31-215(N).

<sup>52</sup> *Id.*

## Open Carrying in South Carolina

South Carolina generally requires that a person have a permit to openly carry a handgun.<sup>53</sup> See the [Concealed Weapons Permitting](#) section for a list of exceptions to the license requirement. South Carolina does not require a permit for the open carrying of rifles and shotguns in public.

*For a comprehensive discussion of this issue, see [LCAV's policy page on the Open Carrying of Firearms in Public](#).*

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<sup>53</sup> S.C. Code Ann. § 16-23-20.

## Location Restrictions

### Guns in Vehicles in South Carolina

*(This section was last updated November 2, 2010.)*

A person generally may not transport a handgun in a vehicle, except if he or she is, *inter alia*:

- A holder of a concealable weapons permit and has the handgun concealed on or about the person;
- A licensed hunter or fisherman going to or from hunting or fishing while in a vehicle or on foot;
- Carrying an unloaded handgun in a secure wrapper from the place of purchase to his or her home or fixed place of business or while changing his or her residence or fixed place of business;
- Transferring a handgun directly from or to a vehicle and a location where one may legally possess the handgun;
- On a motorcycle when the handgun is secured in a closed saddlebag or other similar closed accessory container attached to the motorcycle; or
- In a vehicle if the handgun is secured in a closed glove compartment, closed console, closed trunk or closed container secured by an integral fastener and transported in the "luggage compartment" of the vehicle.<sup>54</sup>

A luggage compartment is defined as:

[T]he trunk of a motor vehicle which has a trunk; however, with respect to a motor vehicle which does not have a trunk, the term 'luggage compartment' refers to the area of the motor vehicle in which the manufacturer designed that luggage be carried or to the area of the motor vehicle in which luggage is customarily carried. In a station wagon, van, hatchback vehicle, or sport utility vehicle, the term 'luggage compartment' refers to the area behind, but not under, the rearmost seat. In a truck, the term 'luggage compartment' refers to the area behind the rearmost seat, but not under the front seat.<sup>55</sup>

South Carolina also prohibits any passenger on a bus or any other public transportation vehicle from carrying or possessing a firearm.<sup>56</sup>

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<sup>54</sup> *Id.*

<sup>55</sup> S.C. Code Ann. § 16-23-10(10).

<sup>56</sup> S.C. Code Ann. § 58-23-1830(a)(3).

Any person may carry a concealable weapon from an automobile or other motorized conveyance to a room or other accommodation he or she has rented and upon which an accommodations tax has been paid.<sup>57</sup>

Finally, South Carolina prohibits the possession, carrying or having readily accessible a loaded centerfire rifle, or shotgun loaded with a shot size "larger than number four" on a public road or railroad right-of-way if the person does not have permission to hunt the land immediately adjacent thereto.<sup>58</sup> This prohibition does not apply, however, to a centerfire rifle or shotgun contained in a vehicle traveling on a public road, a closed compartment, or a closed vehicle trunk.<sup>59</sup>

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<sup>57</sup> S.C. Code Ann. § 23-31-230.

<sup>58</sup> S.C. Code Ann. § 50-11-760.

<sup>59</sup> *Id.*

## Guns in Schools in South Carolina

South Carolina prohibits any person from possessing a firearm on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, or in any publicly-owned building, without the express permission of the authorities in charge of the premises or property.<sup>60</sup> A separate state law prohibits any person from carrying a firearm on his or her person while on any elementary or secondary school property.<sup>61</sup>

Concealed weapons permit holders are generally subject to these prohibitions, but a permit holder may keep his or her firearm inside an attended or locked motor vehicle on school property if the gun 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.<sup>62</sup> Permit holders also are prohibited from carrying a concealable firearm into a school or college athletic event not related to firearms, a daycare or pre-school facility, or the office or the business meeting of the governing body of a public school district.<sup>63</sup>

In South Carolina, district school boards must expel for not less than one year a student who is determined to have brought a firearm to a school or any setting under the jurisdiction of a local board of trustees.<sup>64</sup> The one-year expulsion is subject to modification by the district superintendent of education on a case-by-case basis.<sup>65</sup> Students expelled pursuant to this section are not precluded from receiving educational services in an alternative setting.<sup>66</sup>

See [LCAV's policy page on Guns in Schools](#) for further information.

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<sup>60</sup> S.C. Code Ann. § 16-23-420(A).

<sup>61</sup> S.C. Code Ann. § 16-23-430(A).

<sup>62</sup> S.C. Code Ann. § 16-23-420(A), 16-23-430(B).

<sup>63</sup> S.C. Code Ann. § 23-31-215(M)(5)-(7).

<sup>64</sup> S.C. Code Ann. § 59-63-235.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

## Other Location Restrictions in South Carolina

No person, even a concealed weapons permit holder, may possess any firearm in or on:

- The grounds of the South Carolina state capitol or within the capitol building (concealable weapons permit holders are exempt from bringing a handgun onto capitol grounds, but must leave their gun within a locked vehicle not readily accessible on the capitol grounds);<sup>67</sup>
- Any publicly-owned building or property, without the express permission of the authorities in charge of the premises or property;<sup>68</sup> or
- A business which sells alcoholic liquor, beer or wine for consumption on the premises.<sup>69</sup>

Persons are prohibited from possessing a firearm at any park or facility under the jurisdiction of the South Carolina Department of Parks, Recreation and Tourism ("Department"), except:

- Anyone in an area specifically designated by the Department for the use of firearms;
- A person carrying a concealable weapon pursuant to state permit; or
- A licensed hunter with an unloaded firearm in a case or the trunk of a vehicle.<sup>70</sup>

An inmate of a state correctional facility or local detention facility is prohibited from carrying a firearm on his or her person or willfully concealing a firearm within any Department of Corrections facility or other place of confinement.<sup>71</sup>

An innkeeper may refuse or deny any accommodations, facilities, or privileges of a lodging establishment to a person whom the innkeeper reasonably believes is bringing in firearms,<sup>72</sup> and may eject such a person from the lodging establishment.<sup>73</sup>

A permit to carry a concealable weapon does not authorize a permit holder to carry a concealable weapon into any:

- Police, sheriff, or highway patrol station or any other law enforcement office or facility;
- Detention facility, prison, jail or any other correctional facility or office;

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<sup>67</sup> S.C. Code Ann. § 10-11-320.

<sup>68</sup> S.C. Code Ann. § 16-23-420(A).

<sup>69</sup> S.C. Code Ann. § 16-23-465.

<sup>70</sup> S.C. Code Ann. § 51-3-145(G). See also S.C. Code Ann. § 51-13-80(A)(7) (prohibiting the carrying of a firearm on the Riverbanks Park property).

<sup>71</sup> S.C. Code Ann. § 24-13-440.

<sup>72</sup> S.C. Code Ann. § 45-2-30(A)(1)(4).

<sup>73</sup> S.C. Code Ann. § 45-2-60(4).

- 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 facility or pre-school facility;
- Place where the carrying of firearms is prohibited by federal law;
- Church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body; or
- Hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer.<sup>74</sup>

A person violating these location restrictions is not only criminally liable for a misdemeanor, but may also have his or her permit revoked for five years.<sup>75</sup>

Notwithstanding the aforementioned location restrictions, public and private employers retain the right to prohibit a person with a concealable weapons permit from carrying a concealable weapon upon the premises of the business or work place, or while using any machinery, vehicle, or equipment owned or operated by the business.<sup>76</sup> Moreover, private property owners or persons in legal possession or control of private property have the right to allow or prohibit the carrying of a concealable weapon upon their premises.<sup>77</sup> The posting of a sign stating "No Concealable Weapons Allowed" by the employer, owner, or person in legal possession or control of the property constitutes notice to a permit holder that the employer, owner, or person in legal possession or control requests that concealable weapons not be brought upon the premises or into the work place.<sup>78</sup>

Concealable weapons permit holders may not carry a concealable weapon into the residence or dwelling place of another person without the express permission of the owner or person in legal control or possession of the property.<sup>79</sup>

A holder of a concealable weapons permit who carries a firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises will have his or her permit revoked, in addition to other penalties.<sup>80</sup>

Permit holders are allowed to possess a firearm at an interstate highway rest area facility.<sup>81</sup>

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<sup>74</sup> S.C. Code Ann. § 23-31-215(M).

<sup>75</sup> *Id.*

<sup>76</sup> S.C. Code Ann. § 23-31-220(1).

<sup>77</sup> S.C. Code Ann. § 23-31-220(2).

<sup>78</sup> *Id.* Sign requirements for notice purposes are detailed under S.C. Code Ann. § 23-31-235.

<sup>79</sup> S.C. Code Ann. § 23-31-225. Violators of this provision, in addition to committing a misdemeanor, may have their permit revoked for five years. *Id.*

<sup>80</sup> S.C. Code Ann. § 16-23-465.

## Consumer & Child Safety

### South Carolina Design Safety Standards for Handguns

South Carolina provides that no licensed firearms dealer may hold, store, handle, sell, offer for sale, or otherwise possess in his or her place of business a handgun which has a die-cast, metal alloy frame or receiver which melts at a temperature of less than 800 degrees Fahrenheit.<sup>82</sup>

Any handgun possessed or sold by a dealer in violation of this provision is contraband and must be forfeited to or seized by the law enforcement agency in the municipality where the firearm was forfeited or seized, or to the law enforcement agency in the county where forfeited or seized if originally forfeited or seized outside a municipality.<sup>83</sup> The handgun must be destroyed by the law enforcement agency seizing the gun, or to which the weapon was forfeited.<sup>84</sup>

According to research conducted by the Center to Prevent Handgun Violence (now Brady Center to Prevent Gun Violence), the South Carolina Attorney General may have the authority to regulate “junk guns,” as well as promulgate other firearm safety standards.<sup>85</sup>

See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

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<sup>81</sup> S.C. Code Ann. § 16-23-420(F).

<sup>82</sup> S.C. Code Ann. § 23-31-180.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> South Carolina Unfair Trade Practices Act, S.C. Code Ann. § 39-5-10 *et seq.* For details, see Legal Action Project, Center to Prevent Handgun Violence, *Targeting Safety* (2001), at <http://www.bradycenter.org/xshare/pdf/reports/targetingsafety.pdf>.

## Locking Devices in South Carolina

South Carolina law does not require a locking device to accompany the sale of a firearm (although the [federal law](#) applies). South Carolina law also does not require firearm owners to lock their weapons.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

## **Personalized / Owner-Authorized Firearms in South Carolina**

South Carolina does not require firearms to be personalized. See [Regulating Guns in America: Personalized Firearms](#) for a comprehensive discussion of this issue.

## **South Carolina Child Access Prevention**

South Carolina has no law requiring firearm owners to prevent children from gaining access to firearms.

See [\*Regulating Guns in America: Child Access Prevention\*](#) for a comprehensive discussion of this issue.

## **Classes of Weapons / Ammunition**

### **Assault Weapons in South Carolina**

South Carolina has no law regulating assault weapons.

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

## **Large Capacity Ammunition Magazines in South Carolina**

South Carolina has no law restricting large capacity ammunition magazines.

See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

## **Fifty Caliber Rifles in South Carolina**

South Carolina has no law restricting fifty caliber rifles.

See [Regulating Guns in America: Fifty Caliber Rifles](#) for a comprehensive discussion of this issue.

## Machine Guns/Automatic Firearms in South Carolina

*(This section was last updated November 2, 2010.)*

South Carolina prohibits any person from transporting a machine gun within the state.<sup>86</sup> Keeping, storing, possessing, selling, renting, or giving away a machine gun are also generally prohibited activities, unless the possessor is authorized to possess a machine gun by the federal government, among other exceptions.<sup>87</sup> Federal law generally allows the possession of machine guns manufactured prior to May 19, 1986 so long as they are registered.

South Carolina allows persons in dangerous professions, such as law enforcement, corrections, or the military, among others, to possess a machine gun if the person registers the machine gun per state law.<sup>88</sup> In addition, the state issues special limited licenses for the possession, transportation and sale of machine guns to: 1) authorized representatives of a machine gun manufacturer or dealer engaged in demonstrating and selling such guns to agencies authorized by law to possess them; or 2) persons engaged in professional movie-making or providing services to professional movie-makers who use machine guns for special effects purposes.<sup>89</sup>

See [LCAV's policy page on Machine Guns](#) for further information.

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<sup>86</sup> S.C. Code Ann. § 16-23-220.

<sup>87</sup> S.C. Code Ann. §§ 16-23-230, 16-23-240, 16-23-250.

<sup>88</sup> S.C. Code Ann. § 23-31-330.

<sup>89</sup> S.C. Code Ann. § 23-31-370.

## **Non-Powder Guns in South Carolina**

*(This section was last updated November 2, 2010.)*

South Carolina prohibits any person from possessing an air gun at any park or facility under the jurisdiction of the South Carolina Department of Parks, Recreation and Tourism.<sup>90</sup> Persons using areas specifically designated by the Department for the use of air guns, and concealable weapons permit holders, are exempt from the prohibition.<sup>91</sup>

South Carolina has no other laws regulating non-powder guns.

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

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<sup>90</sup> S.C. Code Ann. § 51-3-145(G).

<sup>91</sup> *Id.*

## Ammunition Regulation in South Carolina

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

South Carolina prohibits the use, transportation, manufacture, possession, distribution, sale or purchase of any ammunition or shells that are coated with Teflon.<sup>92</sup> [Federal prohibitions on certain kinds of armor-piercing ammunition](#) also apply.

A law South Carolina adopted in 2010 makes it unlawful for a person who has been convicted of a “violent crime,” as defined by South Carolina law, to possess ammunition if the violent crime is also classified as a felony offense.<sup>93</sup>

South Carolina does not:

- Require a license for the sale of ammunition;
- Require a license to purchase or possess ammunition;
- Require sellers of ammunition to maintain a record of the purchasers; or
- Generally prohibit persons who are ineligible to possess firearms under state law from possessing ammunition, although [federal ammunition purchaser prohibitions](#) apply.

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<sup>92</sup> S.C. Code Ann. § 16-23-520.

<sup>93</sup> S.C. Code § 16-23-500.

## **Investigating Gun Crimes**

### **South Carolina Microstamping/Ballistic Identification**

South Carolina has no laws regarding firearm microstamping or ballistic identification.

See [Regulating Guns in America: Ballistic Identification](#) and LCAV's policy page on [Firearm Microstamping](#) for comprehensive discussions of these issues.

## Firearms Trafficking in South Carolina

*(This section was last updated November 2, 2010.)*

South Carolina specifically prohibits anyone from giving false information or evidence when complying with South Carolina's [handgun dealer licensing law](#).<sup>94</sup>

South Carolina prohibits the knowing purchase, sale, transport, pawn, receipt or possession of any stolen handgun or handgun from which the original serial number has been removed or obliterated.<sup>95</sup> South Carolina has no other laws that address gun trafficking.

See [LCAV's policy page on Firearms Trafficking](#) for further information on this topic.

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<sup>94</sup> S.C. Code Ann. § 23-31-160.

<sup>95</sup> S.C. Code Ann. § 16-23-30(C).

## **South Carolina State Links**

[Bureau of Alcohol, Tobacco, Firearms & Explosives, Charlotte Field Division \(NC, SC\)](#)

[South Carolina Attorney General](#)