

# State Laws and Published Ordinances – South Carolina

Current through the 2019 Regular session.

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Abbeville

Blythewood

Charleston

Colleton County

Columbia

Folly Beach

Fort Mill

Georgetown

Greenville

Greenwood

Horry County

Lancaster

Lyman

Mullins

North Augusta

North Charleston

Pickens

Richland County

Sumter County

Surfside Beach

York

**Title 16 – Crimes and Offenses**  
**Chapter 23 – Offenses Involving Weapons**  
**Article 1 – Handguns**

**Section 16-23-10. Definitions.**

When used in this article:

- (1) "**Handgun**" means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges.
- (2) "**Dealer**" means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.
- (3) "**Crime of violence**" means 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.
- (4) "**Fugitive from justice**" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.
- (5) "**Subversive organization**" means any group, committee, club, league, society, association, or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure, or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.
- (6) "**Conviction**" as used herein shall include pleas of guilty, pleas of nolo contendere, and forfeiture of bail.
- (7) "**Division**" means the State Law Enforcement Division.
- (8) "**Purchase**" or "**sell**" means to knowingly buy, offer to buy, receive, lease, rent, barter, exchange, pawn or accept in pawn.
- (9) "**Person**" means any individual, corporation, company, association, firm, partnership, society, or joint stock company.

**Section 16-23-30. Sale or delivery of handgun to and possession by certain persons unlawful; stolen handguns.**

(A) It is unlawful for a person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale into this State any handgun to:

- (1) a person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions, or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent;
- (2) a person who is a member of a subversive organization;
- (3) 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 or the temporary loan of handguns for instructions under the immediate supervision of a parent or adult instructor; or
- (4) a person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a firearm, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but a person who is the subject of such an application is entitled to reasonable notice and a proper hearing prior to any such adjudication.

(B) It is unlawful for a person enumerated in subsection (A) to possess or acquire handguns within this State.

(C) A person shall not knowingly buy, sell, transport, pawn, receive, or possess any stolen handgun or one from which the original serial number has been removed or obliterated.

**Section. 16-23-50 Penalties; disposition of fines; forfeiture and disposition of handguns.**

(A)

- (1) A person, including a dealer, who violates the provisions of this article, except § 16-23-20, is guilty of a felony and, upon conviction, must be fined not more than \$2,000 or imprisoned not more than 5 years, or both.
- (2) A person violating the provisions of § 16-23-20 is guilty of a misdemeanor and, upon conviction, must be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

**(B)** In addition to the penalty provided in this section, the handgun involved in the violation of this article must be confiscated. The handgun must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated handgun 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 this State for a handgun or any other equipment approved by the agency, or destroy it. A weapon must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the handgun, the division may keep the handgun for use by its forensic laboratory. Records must be kept of all confiscated handguns received by the law enforcement agencies under the provisions of this article.

### **Article 3 – Machine Guns, Sawed-Off Shotguns and Rifles**

#### **Section 16-23-210. Definitions.**

When used in this article:

**(a) "Machine gun"** applies to and includes any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than 1 shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or 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.

**(b) "Sawed-off shotgun"** means a shotgun having a barrel or barrels of less than 18 inches in length or a weapon made from a shotgun which as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.

**(c) "Shotgun"** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell but does not include an antique firearm as defined in this section.

**(d) "Sawed-off rifle"** means a rifle having a barrel or barrels of less than 16 inches in length or a weapon made from a rifle which as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.

**(e) "Rifle"** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge but does not include an antique firearm as described in this section.

**(f) "Antique firearm"** means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

**(g) "Military firearm"** means any military weapon, firearm, or destructive device, other than a machine gun, that is manufactured for military use by a firm licensed by the federal government pursuant to a contract with the federal government and does not include a pistol, rifle, or shotgun which fires only one shot for each pull of the trigger.

#### **Section 16-23-230. Unlawful storing, keeping, or possessing of machine gun, military firearm, or sawed-off shotgun or rifle.**

It is unlawful for a person to store, keep, possess, or have in possession or permit another to store, keep, possess, or have in possession a machine gun or firearm commonly known as a machine gun, military firearm, sawed-off shotgun, or sawed-off rifle, except as provided in §§ 16-23-250 and 23-31-330.

A person who violates the provisions of this section, upon conviction, must be punished pursuant to § 16-23-260.

#### **Section 16-23-240. Unlawful sale, rental, or giving away of machine gun, military firearm, or sawed-off shotgun or rifle; exceptions.**

It is unlawful for a person to sell, rent, give away, or participate in any manner, directly or indirectly, in the sale, renting, giving away, or otherwise disposing of a machine gun, or firearm commonly known as a machine gun, military firearm, sawed-off shotgun, or sawed-off rifle, except as provided in §§ 16-23-250 and 23-31-330.

A person who violates the provisions of this section, upon conviction, must be punished pursuant to § 16-23-260.

### **Section 16-23-250. Exceptions to application of article.**

The provisions of this article do not apply to the Army, Navy, or Air Force of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns, military firearms, or sawed-off shotguns or sawed-off rifles, from the United States or from this State and the members of these organizations. Any peace officer of the State or of a county or other political subdivision, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of a state prison, correction facility, workhouse, county jail, city jail, or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or persons on duty in the postal service of the United States or a common carrier while transporting direct to a police department, military, or naval organization or person authorized by law to possess or use a machine gun, or sawed-off shotgun, or sawed-off rifle, may possess machine guns, or sawed-off shotguns, or sawed-off rifles, when required in the performance of their duties. The provisions of this section must not be construed to apply to machine guns, or sawed-off shotguns, or sawed-off rifles kept for display as relics and which are rendered harmless and not usable.

The provisions of this article do not apply to any manufacturer of machine guns or military firearms licensed pursuant to the provisions of 18 U. S. C. § 921 et seq., any person authorized to possess these weapons by the United States Department of the Treasury, the Bureau of Alcohol, Tobacco and Firearms, or any other federal agency empowered to grant this authorization, any common or contract carrier transporting or shipping any machine gun or military firearm to or from the manufacturer if the transportation or shipment is not prohibited by federal law, or persons licensed pursuant to § 23-31-370.

### **Section 16-23-260. Penalties.**

A person violating the provisions of this article is guilty of a felony and, upon conviction, must be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

### **Section 16-23-270. Article not applicable to antique firearms.**

The provisions of this article shall not apply to antique firearms.

### **Section 16-23-280. Manufacture and sale of machine guns by licensed manufacturer.**

Notwithstanding the provisions of this article, machine guns or military firearms manufactured by a firm licensed by the federal government and subject to the Federal Gun Control Act may be legally manufactured, transported, possessed, and sold within the State by the manufacturer thereof.

## **Article 5 – Miscellaneous Offenses**

### **Section 16-23-405. Definition of "weapon"; confiscation and disposition of weapons used in commission or in furtherance of crime.**

**(A)** Except for the provisions relating to rifles and shotguns in § 16-23-460, as used in this chapter, "**weapon**" means firearm (rifle, shotgun, pistol, or similar device that propels a projectile through the energy of an explosive), a blackjack, a metal pipe or pole, or any other type of device, or object which may be used to inflict bodily injury or death.

**(B)** A person convicted of a crime, in addition to a penalty, shall have a weapon used in the commission or in furtherance of the crime confiscated. Each weapon must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement 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 pistols in this State for a pistol or other equipment approved by the agency, or destroy it. A weapon may not be disposed of until the results of all legal proceedings in which it may be involved are finally determined. A firearm seized by the State Law Enforcement Division may be kept by the division for use by its forensic laboratory.

### **Section 16-23-420. Possession of firearm on school property; concealed weapons.**

**(A)** It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property. The provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, do not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 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.

**(B)** It is unlawful for a person to enter the premises or property described in subsection (A) and to display, brandish, or threaten others with a firearm.

**(C)** A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than \$5,000 or imprisoned not more than 5 years, or both.

**(D)** This section does not apply to a guard, law enforcement officer, or member of the armed forces, or student of military science. A married student residing in an apartment provided by the private or public school whose presence with a weapon in or around a particular building is authorized by persons legally responsible for the security of the buildings is also exempted from the provisions of this section.

**(E)** For purposes of this section, the terms "**premises**" and "**property**" do not include state or locally owned or maintained roads, streets, or rights-of-way of them, running through or adjacent to premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, which are open full time to public vehicular traffic.

**(F)** This section does not apply to a person who is authorized to carry concealed weapons pursuant to Article 4, Chapter 31 of Title 23 when upon any premises, property, or building that is part of an interstate highway rest area facility.

**Section 16-23-430. Carrying weapon on school property; concealed weapons.**

**(A)** It shall be unlawful for any person, except state, county, or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, firearms, or any other type of weapon, device, or object which may be used to inflict bodily injury or death.

**(B)** This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 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.

**(C)** A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than \$1,000 or imprisoned not more than 5 years, or both. Any weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest.

**Section 16-23-500. Unlawful possession of a firearm by a person convicted of violent offense; confiscation.**

**(A)** It is unlawful for a person who has been convicted of a violent crime, as defined by § 16-1-60, that is classified as a felony offense, to possess a firearm or ammunition within this State.

**(B)** A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than \$2,000 or imprisoned not more than 5 years, or both.

**(C)**

**(1)** In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition 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 firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy it. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm or ammunition, the division may keep the firearm or ammunition for use by its forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies under the provisions of this section.

**(2)** A law enforcement agency that receives a firearm or ammunition pursuant to this section shall administratively release the firearm or ammunition to an innocent owner. The firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally determined. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this section which resulted in the confiscation of the firearm or ammunition. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this section.

**(D)** The judge that hears the case involving the violent offense, as defined by § 16-1-60, that is classified as a felony offense, shall make a specific finding on the record that the offense is a violent offense, as defined by § 16-1-60, and is classified as a felony offense. A judge's failure to make a specific finding on the record does not bar or otherwise affect prosecution pursuant to this subsection and does not constitute a defense to prosecution pursuant to this subsection.

**Section 16-23-520. Use, transportation, manufacture, possession, purchase, or sale of teflon-coated ammunition.**

It is unlawful for a person to use, transport, manufacture, possess, distribute, sell, or buy any ammunition or shells that are coated with polytetrafluoroethylene (teflon).

A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not more than 5 years or fined not more than \$5,000, or both.

**Section 16-23-530. Firearms; possession by or sale to unlawful alien; penalties.**

(A) It is unlawful for an alien unlawfully present in the United States to possess, purchase, offer to purchase, sell, lease, rent, barter, exchange, or transport into this State a firearm.

(B) It is unlawful for a person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale into this State a firearm to a person knowing that such person is not lawfully present in the United States.

(C) A person violating the provisions of subsection (A) of this section is guilty of a felony and, upon conviction, must be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

(D) A person violating the provisions of subsection (B) of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$2,000 or imprisoned not more than 3 years, or both.

**Article 7 – Bombs, Destructive Devices, and Weapons of Mass Destruction**

**Section 16-23-710. Definitions.**

For purposes of this article:

(2) "**Bomb**" includes a destructive device capable of being detonated, triggered, or set off to release any substance or material that is destructive, irritating, odoriferous, or otherwise harmful to one or more organisms including, but not limited to, human beings, livestock, animals, crops or vegetation, or to earth, air, water, or any other material or substance necessary or required to sustain human or any other individual form of life, or to real or personal property.

(7) "**Destructive device**" means:

(a) a bomb, incendiary device, or any thing that can detonate, explode, be released, or burn by mechanical, chemical, or nuclear means, or that contains an explosive, incendiary, poisonous gas, or toxic substance (chemical, biological, or nuclear materials) including, but not limited to, an incendiary or over-pressure device, or any other device capable of causing damage, injury, or death;

(c) a combination of any parts, components, chemical compounds, or other substances, either designed or intended for use in converting any device into a destructive device which has been or can be assembled to cause damage, injury, or death.

(13) "**Incendiary device**" means a destructive device, however possessed or delivered, and by whatever name called, containing or holding a flammable liquid or compound, which is capable of being ignited by any means possible. Incendiary device includes, but is not limited to, any form of explosive, explosive bomb, grenade, missile, or similar device, whether capable of being carried or thrown by a person acting alone or with one or more persons, but does not include a device manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving, or other hazards on streets, roads, highways, or bridges, when used in a lawful manner.

(15) "**Parts**" mean a combination of parts, components, chemical compounds, or other substances, designed or intended for use in converting any device into a destructive device.

(19) "**Weapon of mass destruction**" means:

(a) any destructive device as defined in item (7);

**Section 16-23-715 Possession, threatened or attempted use of weapon of mass destruction for act of terrorism; penalty.**

A person who, without lawful authority, possesses, uses, threatens, or attempts or conspires to possess or use a weapon of mass destruction in furtherance of an act of terrorism is guilty of a felony and upon conviction:

(1) in cases resulting in the death of another person, must be punished by death or by imprisonment for life; or

(2) in cases which do not result in the death of another person, must be punished by imprisonment for not less than 25 years nor more than life.

**Chapter 25 – Criminal Domestic Violence**  
**Article 1 – General Provisions**

**Section 16-25-10. Definitions.**

As used in this article, the term:

(7) **"Firearm"** means a pistol, revolver, rifle, shotgun, machine gun, submachine gun, or an assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive but does not include an antique firearm as defined in 18 U.S.C. 921(a)(16).

**Section 16-25-30. Firearms and ammunition prohibitions; penalties.**

**(A)** Notwithstanding the provisions of § 16-23-30, it is unlawful for a person to ship, transport, receive, or possess a firearm or ammunition, if the person:

(1) has been convicted of a violation of § 16-25-20(B) or 16-25-65, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in § 16-25-20(B) or § 16-25-65;

(2) has been convicted of a violation of § 16-25-20(C) and the court made specific findings and concluded that the person caused moderate bodily injury to their own household member, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in § 16-25-20(C) and the court made specific findings and concluded that the person caused moderate bodily injury to their own household member;

(3) has been convicted of a violation of § 16-25-20(C) or (D) and the judge at the time of sentencing ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in § 16-25-20(C) or (D) and the judge at the time of sentencing ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition;

(4) is subject to a valid order of protection issued by the family court pursuant to Chapter 4, Title 20, and the family court judge at the time of the hearing made specific findings of physical harm, bodily injury, assault, or that the person offered or attempted to cause physical harm or injury to a person's own household member with apparent and present ability under the circumstances reasonably creating fear of imminent peril and the family court judge ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition. The standard applied in this subsection applies only to the determination of whether to prohibit a person from possessing a firearm or ammunition and does not apply to the issuance of the order pursuant to Chapter 4, Title 20; or

(5) is subject to a valid order of protection related to domestic or family violence issued by a court of another state, tribe, or territory in compliance with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, and the judge at the time of the hearing made specific findings of physical harm, bodily injury, assault, or that the person offered or attempted to cause physical harm or injury to a person's own household member with apparent and present ability under the circumstances reasonably creating fear of imminent peril and the judge ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition. The standard applied in this subsection applies only to the determination of whether to prohibit a person from possessing a firearm or ammunition and does not apply to the issuance of the order pursuant to Chapter 4, Title 20.

**(B)** A person who violates subsection (A)(1) is guilty of a felony and, upon conviction, must be fined not more than \$2,000 or imprisoned for not more than 5 years, or both. A person who violates subsection (A)(2) or (A)(3) is guilty of a misdemeanor and, upon conviction, must be fined not more than \$1,000 or imprisoned not more than 3 years, or both. A person who violates subsection (A)(4) or (A)(5) is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 or imprisoned not more than 30 days, or both.

**(C)** A person must not be considered to have been convicted of domestic violence for purposes of this section unless the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and in the case of a prosecution for an offense described in this section for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise. A person must not be considered to have been convicted of domestic violence for purposes of this section if the conviction has been expunged, set aside, or is an offense for which the person has been pardoned.

**(D)** At the time a person is convicted of violating the provisions of § 16-25-20 or 16-25-65, or upon the issuance of an order of protection pursuant to Chapter 4, Title 20, the court must deliver to the person a written form that conspicuously bears the following language: "Pursuant to 18 U.S.C. § 922, it is unlawful for a person convicted of a violation of § 16-25-20 or 16-25-65, or a person who is subject to a valid order of protection pursuant to Chapter 4, Title 20, to ship, transport, possess, or receive a firearm or ammunition."

**(E)** The provisions of this section prohibiting the possession of firearms and ammunition by persons who have been convicted of domestic violence shall apply to a person who has been convicted of domestic violence for:

- (1)** life, if the person has been convicted of a violation of § 16-25-65, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in § 16-25-65;
- (2)** ten years from the date of conviction or the date the person is released from confinement for the conviction, whichever is later, if the person has been convicted of a violation of § 16-25-20(B), or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in § 16-25-20(B);
- (3)** three years from the date of conviction or the date the person is released from confinement for the conviction, whichever is later, if the person has been convicted of a violation of § 16-25-20(C) or (D) and the judge at the time of sentencing ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition, or has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in § 16-25-20(C) or (D) and the judge at the time of sentencing ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition; or
- (4)** the duration of the order of protection, if the person is subject to a valid order of protection issued by the family court pursuant to Chapter 4, Title 20, and the family court judge at the time of the hearing made specific findings of physical harm, bodily injury, assault, or that the person offered or attempted to cause physical harm or injury to a person's own household member with apparent and present ability under the circumstances reasonably creating fear of imminent peril and the family court judge ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition, or is subject to a valid order of protection related to domestic or family violence issued by a court of another state, tribe, or territory in compliance with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act and the judge at the time of the hearing made specific findings of physical harm, bodily injury, assault, or that the person offered or attempted to cause physical harm or injury to a person's own household member with apparent and present ability under the circumstances reasonably creating fear of imminent peril and the judge ordered that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition.

**(F)**

- (1)** Following the period of time established in subsection (E), if the person has not been convicted of any other domestic violence offenses pursuant to this article or similar offenses in another jurisdiction, no domestic violence charges are currently pending against the person, and the person is not otherwise prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition pursuant to any other State law, the person's right to ship, transport, receive, or possess a firearm or ammunition shall be restored.
- (2)** Following the period of time established in subsection (E), if the person requests in writing to the South Carolina Law Enforcement Division (SLED), SLED shall notify the National Instant Criminal Background Check System (NICS) that the State has restored the person's right to ship, transport, receive, or possess a firearm or ammunition, and shall request immediate removal of the person's name to whom the restrictions contained in this section apply.

**Title 23 – Law Enforcement and Public Safety  
Chapter 31 – Firearms  
Article 1 – Purchase of Rifles and Shotguns**

**Section 23-31-10. Purchase of rifle or shotgun in another state.**

A 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 and transport or receive it in this 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.

**Section 23-31-20. Purchase of rifle or shotgun in this State by resident of any state.**

A resident of any state may purchase rifles and shotguns in this State if the resident conforms to applicable provisions of statutes and regulations of this State, the United States, and of the state in which the person resides.

**Article 4 – Concealed Weapon Permits**

**Section 23-31-210. Definitions.**

As used in this article:

- (1) "Resident"** means an individual who is present in South Carolina with the intention of making a permanent home in South Carolina or military personnel on permanent change of station orders.

**(2) "Qualified nonresident"** means an individual who owns real property in South Carolina, but who resides in another state.

**(3) "Picture identification"** means:

- (a)** a valid driver's license or photographic identification card issued by the state in which the applicant resides; or
- (b)** an official photographic identification card issued by the Department of Revenue, a federal or state law enforcement agency, an agency of the United States Department of Defense, or the United States Department of State.

**(4) "Proof of training"** means an original document or certified copy of the document supplied by an applicant that certifies that he is either:

**(a)** a person who, within 3 years before filing an application, successfully has completed a basic or advanced handgun education course offered by a state, county, or municipal law enforcement agency or a nationally recognized organization that promotes gun safety. This education course must include, but is not limited to:

- (i)** information on the statutory and case law of this State relating to handguns and to the use of deadly force;
- (ii)** information on handgun use and safety;
- (iii)** information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; and
- (iv)** the actual firing of the handgun in the presence of the instructor;

**(b)** a person who demonstrates any of the following must comply with the provisions of subitem (a)(i) only:

- (i)** a person who demonstrates the completion of basic military training provided by any branch of the United States military who produces proof of his military service through the submission of a DD214 form;
- (ii)** a retired law enforcement officer who produces proof that he is a graduate of the Criminal Justice Academy or that he was a law enforcement officer prior to the requirement for graduation from the Criminal Justice Academy; or
- (iii)** a retired state or federal law enforcement officer who produces proof of graduation from a federal or state academy that includes firearms training as a graduation requirement;

**(c)** an instructor certified by the National Rifle Association or another SLED-approved competent national organization that promotes the safe use of handguns;

**(d)** a person who can demonstrate to the Director of SLED or his designee that he has a proficiency in both the use of handguns and state laws pertaining to handguns;

**(e)** an active duty police handgun instructor;

**(f)** a person who has a SLED-certified or approved competitive handgun shooting classification; or

**(g)** a member of the active or reserve military, or a member of the National Guard.

SLED shall promulgate regulations containing general guidelines for courses and qualifications for instructors which would satisfy the requirements of this item. For purposes of sub items (a) and (c), "proof of training" is not satisfied unless the organization and its instructors meet or exceed the guidelines and qualifications contained in the regulations promulgated by SLED pursuant to this item.

**(5) "Concealable weapon"** means a firearm having a length of less than 12 inches measured along its greatest dimension that must be carried in a manner that is hidden from public view in normal wear of clothing except when needed for self-defense, defense of others, and the protection of real or personal property.

**(6) "Proof of ownership of real property"** means a certified current document from the county assessor of the county in which the property is located verifying ownership of the real property. SLED must determine the appropriate document that fulfills this requirement.

### **Section 23-31-215. Issuance of permits.**

**(A)** Notwithstanding any other provision of law, except subject to subsection (B), SLED must issue a permit, which is no larger than 3-1/2 inches by 3 inches in size, to carry a concealable weapon to a resident or qualified nonresident who is at least 21 years of age and who is not prohibited by state law from possessing the weapon upon submission of:

**(1)** a completed application signed by the person;

**(2)** a photocopy of a driver's license or photographic identification card;

**(3)** proof of residence or if the person is a qualified nonresident, proof of ownership of real property in this State;

(4) proof of actual or corrected vision rated at 20/40 within 6 months of the date of application or, in the case of a person licensed to operate a motor vehicle in this State, presentation of a valid driver's license;

(5) proof of training;

(6) payment of a \$50 application fee. This fee must be waived for disabled veterans and retired law enforcement officers; and

(7) a complete set of fingerprints unless, because of a medical condition verified in writing by a licensed medical doctor, a complete set of fingerprints is impossible to submit. In lieu of the submission of fingerprints, the applicant must submit the written statement from a licensed medical doctor specifying the reason or reasons why the applicant's fingerprints may not be taken. If all other qualifications are met, the Chief of SLED may waive the fingerprint requirements of this item. The statement of medical limitation must be attached to the copy of the application retained by SLED. A law enforcement agency may charge a fee not to exceed \$5 for fingerprinting an applicant.

(B) Upon submission of the items required by subsection (A), SLED must conduct or facilitate a local, state, and federal fingerprint review of the applicant. SLED also must conduct a background check of the applicant through notification to and input from the sheriff of the county where the applicant resides or if the applicant is a qualified nonresident, where the applicant owns real property in this State. The sheriff within 10 working days after notification by SLED, may submit a recommendation on an application. Before making a determination whether or not to issue a permit under this article, SLED must consider the recommendation provided pursuant to this subsection. If the fingerprint review and background check are favorable, SLED must issue the permit.

(C) SLED shall issue a written statement to an unqualified applicant specifying its reasons for denying the application within 90 days from the date the application was received; otherwise, SLED shall issue a concealable weapon permit. If an applicant is unable to comply with the provisions of § 23-31-210(4), SLED shall offer the applicant a handgun training course that satisfies the requirements of § 23-31-210(4). The course shall cost \$50. If a permit is granted by operation of law because an applicant was not notified of a denial within the 90-day notification period, the permit may be revoked upon written notification from SLED that sufficient grounds exist for revocation or initial denial.

(D) Denial of an application may be appealed. The appeal must be in writing and state the basis for the appeal. The appeal must be submitted to the Chief of SLED within 30 days from the date the denial notice is received. The chief shall issue a written decision within 10 days from the date the appeal is received. An adverse decision shall specify the reasons for upholding the denial and may be reviewed by the Administrative Law Court pursuant to Article 5, Chapter 23, Title 1, upon a petition filed by an applicant within 30 days from the date of delivery of the division's decision.

(E) SLED must make permit application forms available to the public. A permit application form shall require an applicant to supply:

(1) name, including maiden name if applicable;

(2) date and place of birth;

(3) sex;

(4) race;

(5) height;

(6) weight;

(7) eye and hair color;

(8) current residence address; and

(9) all residence addresses for the 3 years preceding the application date.

(F) The permit application form shall require the applicant to certify that:

(1) he is not a person prohibited under state law from possessing a weapon;

(2) he understands the permit is revoked and must be surrendered immediately to SLED if the permit holder becomes a person prohibited under state law from possessing a weapon; and

(3) all information contained in his application is true and correct to the best of his knowledge.

(G) Medical personnel, law enforcement agencies, organizations offering handgun education courses pursuant to § 23-31-210(4), and their personnel, who in good faith provide information regarding a person's application, must be exempt from liability that may arise from issuance of a permit; provided, however, a weapons instructor must meet the requirements established in § 23-31-210(4) in order to be exempt from liability under this subsection.

**(H)** A permit application must be submitted in person, by mail, or online to SLED headquarters which shall verify the legibility and accuracy of the required documents. If an applicant submits his application online, SLED may continue to make all contact with that applicant through online communications.

**(I)** SLED must maintain a list of all permit holders and the current status of each permit. 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. SLED may charge a fee not to exceed its costs in releasing the information under this subsection. Except as otherwise provided in this subsection, a person in possession of a list of permit holders obtained from SLED must destroy the list.

**(J)** A permit is valid statewide unless revoked because the person has:

- (1)** become a person prohibited under state law from possessing a weapon;
- (2)** moved his permanent residence to another state and no longer owns real property in this State;
- (3)** voluntarily surrendered the permit; or
- (4)** been charged with an offense that, upon conviction, would prohibit the person from possessing a firearm. However, if the person subsequently is found not guilty of the offense, then his permit must be reinstated at no charge.

Once a permit is revoked, it must be surrendered to a sheriff, police department, a SLED agent, or by certified mail to the Chief of SLED. A person who fails to surrender his permit in accordance with this subsection is guilty of a misdemeanor and, upon conviction, must be fined \$25.

**(K)** A permit holder must have his permit identification card in his possession whenever he carries a concealable weapon. When carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, a permit holder must inform a law enforcement officer of the fact that he is a permit holder and present the permit identification card when an officer:

- (1)** identifies himself as a law enforcement officer; and
- (2)** requests identification or a driver's license from a permit holder.

A permit holder immediately must report the loss or theft of a permit identification card to SLED headquarters. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined \$25.

**(L)** SLED shall issue a replacement for lost, stolen, damaged, or destroyed permit identification cards after the permit holder has updated all information required in the original application and the payment of a \$5 replacement fee. Any change of permanent address must be communicated in writing to SLED within 10 days of the change accompanied by the payment of a fee of \$5 to defray the cost of issuance of a new permit. SLED shall then issue a new permit with the new address. A permit holder's failure to notify SLED in accordance with this subsection constitutes a misdemeanor punishable by a \$25 fine. The original permit shall remain in force until receipt of the corrected permit identification card by the permit holder, at which time the original permit must be returned to SLED.

**(M)** A permit issued pursuant to this section does not authorize a permit holder to carry a concealable weapon into a:

- (1)** law enforcement, correctional, or detention facility;
- (2)** courthouse or courtroom;
- (3)** polling place on election days;
- (4)** office of or the 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 employer; or
- (10)** place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to §§ 23-31-220 and 23-31-235. 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. A person who violates a provision of this item, whether the violation is wilful or not, only may be charged with a violation of § 16-11-620 and must not be charged with or penalized for a violation of this subsection.

Except as provided for in item (10), a person who wilfully violates a provision of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than \$1,000 or imprisoned not more than 1 year, or both, at the discretion of the court and have his permit revoked for 5 years.

Nothing contained in this subsection may be construed to alter or affect the provisions of §§ 10-11-320, 16-23-420, 16-23-430, 16-23-465, 44-23-1080, 44-52-165, 50-9-830, and 51-3-145.

**(N)**

(1) 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.

(2) Notwithstanding the reciprocity requirements of subitem (1), South Carolina shall automatically recognize concealed weapon permits issued by Georgia and North Carolina.

(3) The reciprocity provisions of this section shall not be construed to authorize the holder of any out-of-state permit or license to carry, in this State, any firearm or weapon other than a handgun.

**(O)** A permit issued pursuant to this article is not required for a person:

(1) specified in § 16-23-20, items (1) through (5) and items (7) through (11);

(2) carrying a self-defense device generally considered to be nonlethal including the substance commonly referred to as "pepper gas"; or

(3) carrying a concealable weapon in a manner not prohibited by law.

**(P)** Upon renewal, a permit issued pursuant to this article is valid for 5 years. Subject to subsection (Q), SLED shall renew a currently valid permit upon:

(1) payment of a \$50 renewal fee by the applicant. This fee must be waived for disabled veterans and retired law enforcement officers;

(2) completion of the renewal application; and

(3) picture identification or facsimile copy thereof.

**(Q)** Upon submission of the items required by subsection (P), SLED must conduct or facilitate a state and federal background check of the applicant. If the background check is favorable, SLED must renew the permit.

**(R)** No provision contained within this article shall expand, diminish, or affect the duty of care owed by and liability accruing to, as may exist at law immediately before the effective date of this article, the owner of or individual in legal possession of real property for the injury or death of an invitee, licensee, or trespasser caused by the use or misuse by a third party of a concealable weapon. Absence of a sign prohibiting concealable weapons shall not constitute negligence or establish a lack of duty of care.

**(S)** At least 30 days before a permit issued pursuant to this article expires, SLED shall notify the permit holder by mail or online if permitted by subsection (H) at the permit holder's address of record that the permit is set to expire along with notification of the permit holder's opportunity to renew the permit pursuant to the provisions of subsections (P) and (Q).

**(T)** During the first quarter of each calendar year, SLED must publish a report of the following information regarding the previous calendar year:

(1) the number of permits;

(2) the number of permits that were issued;

(3) the number of permit applications that were denied;

(4) the number of permits that were renewed;

(5) the number of permit renewals that were denied;

(6) the number of permits that were suspended or revoked; and

(7) the name, address, and county of a person whose permit was revoked, including the reason for the revocation pursuant to subsection (J)(1).

The report must include a breakdown of such information by county.

**(U)** A concealable weapon permit holder whose permit has been expired for no more than 1 year may not be charged with a violation of § 16-23-20 but must be fined not more than \$100.

## Article 5 – Use and Possession of Machine Guns, Sawed-Off Shotguns and Rifles

### Section 23-31-310. Definitions.

When used in this article:

(a) "**Machine gun**" applies to and includes any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than 1 shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or 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.

(b) "**Sawed-off shotgun**" means a shotgun having a barrel or barrels of less than 18 inches in length or a weapon made from a shotgun which as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.

(c) "**Shotgun**" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell but does not include an antique firearm as defined in this section.

(d) "**Sawed-off rifle**" means a rifle having a barrel or barrels of less than 16 inches in length or a weapon made from a rifle which as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.

(e) "**Rifle**" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge but does not include an antique firearm as described in this section.

(f) "**Antique firearm**" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(g) "**Military firearm**" means any military weapon, firearm, or destructive device, other than a machine gun, that is manufactured for military use by a firm licensed by the federal government pursuant to a contract with the federal government and does not include a pistol, rifle, or shotgun which fires only one shot for each pull of the trigger.

### Section 23-31-320. Exceptions to application of article.

The provisions of this article shall not apply to the Army, Navy, or Air Force of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns, military firearms, or sawed-off shotguns or sawed-off rifles, from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of any state prison, penitentiary, workhouse, county jail, city jail, or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military, or naval organization or person authorized by law to possess or use a machine gun, or sawed-off shotgun or sawed-off rifle, may possess machine guns, or sawed-off shotguns or sawed-off rifles, when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns, or sawed-off shotguns or sawed-off rifles, kept for display as relics and which are rendered harmless and not usable.

The provisions of this article shall not apply to any manufacturer of machine guns or military firearms licensed pursuant to the provisions of 18 U. S. C. § 921 et seq., nor to any common or contract carrier transporting or shipping any machine guns or military firearms to or from such manufacturer if the transportation or shipment is not prohibited by federal law. Any such manufacturer shall furnish to the South Carolina Law Enforcement Division the serial numbers of all machine guns or military firearms manufactured by it within 30 days of such manufacture and shall be subject to the penalties provided in § 23-31-340 for noncompliance.

### Section 23-31-330. Application and registration of person allowed to possess machine gun or sawed-off shotgun or rifle.

(A) Every person permitted by § 23-31-320 to possess a machine gun or sawed-off shotgun or sawed-off rifle, and any person elected or appointed to any office or position which entitles the person to possess a machine gun or sawed-off shotgun or sawed-off rifle, upon taking office, shall file with the State Law Enforcement Division on a blank to be supplied by the division on request an application which is properly sworn. The application must be approved by the sheriff of the

county in which the applicant resides or has his principal place of business and include the applicant's name, residence and business address, physical description, whether or not ever charged or convicted of any crime, municipal, state, or otherwise, and where, if charged, and when it was disposed of. The applicant shall also give a description including the serial number and make of the machine gun or sawed-off shotgun or sawed-off rifle which he possesses or desires to possess. The State Law Enforcement Division shall file the application in its office. The division shall register the applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number, and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has the machine gun or sawed-off shotgun or sawed-off rifle in his possession. This registration must be made on the date application is received and filed with the division. The registration expires on December thirty-first of the year in which the license is issued.

**(B)** No permit or registration required by the provisions of this section is required where weapons are possessed by a governmental entity which has a significant public safety responsibility for the protection of life or property.

#### **Section 23-31-340. Penalties.**

A person who violates the provisions of this article is guilty of a felony and, upon conviction, must be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

#### **Section 23-31-350. Article not applicable to antique firearms.**

The provisions of this article shall not apply to antique firearms.

#### **Section 23-31-360. Unregistered possession of machine guns or military firearms by licensed manufacturer.**

Machine guns or military firearms manufactured by a firm licensed by the federal government and subject to the Federal Gun Control Act may be legally possessed by the manufacturer without being registered with the State Law Enforcement Division. The manufacturing firm shall furnish to SLED the serial numbers of all machine guns or military firearms manufactured by it within 30 days of their manufacture and it is subject to the penalties provided in § 23-31-340 for noncompliance.

#### **Section 23-31-370. Special limited license for possession, transportation, and sale of machine guns; violations and penalties.**

**(a)** The South Carolina Law Enforcement Division may issue a special limited license for the possession, transportation, and sale of machine guns in this State to persons: (1) who are authorized representatives of a machine gun manufacturer or dealer engaged in demonstrating and selling them to agencies authorized by law to possess them, or (2) who are engaged in professional movie-making or providing services to professional movie-makers who use machine guns as regulated by this article in the course of creating movie "special effects".

**(b)** Applications for the special license authorized by this section must be on a form prescribed by the division, duly sworn to, containing the applicant's name, business and residence address, a record of any criminal charges filed against the applicant in the United States for other than traffic law violations and the disposition of the charges, a description of the machine guns to be possessed, transported, or sold in this State, including their make and serial numbers, the sites within the State to which the machine guns will be transported, and such other information the division considers necessary to implement this section.

**(c)** The division may issue a special license pursuant to this section if it determines that the applicant has not been convicted of any offense other than traffic violations and the applicant clearly qualifies under item (1) or (2) of subsection (a). The special license is valid for a specified period not to exceed 6 months which must be stated on the license.

**(d)** Any person who knowingly and wilfully makes any false statement for the purpose of obtaining the special license or who violates its terms, in addition to any other penalty provided by law, is guilty of a misdemeanor and, upon conviction, must be fined not more than \$5,000 or imprisoned for not more than 2 years, or both.

### **Article 7 – Local Regulations**

#### **Section 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

## Article 10 – Nics: Mental Health Adjudication and Commitment Reporting

### Section 23-31-1010. Definitions.

As used in this article:

**(1) "Adjudicated as a mental defective"** means a determination by a court of competent jurisdiction that a person, as a result of marked subnormal intelligence, mental illness, mental incompetency, mental condition, or mental disease:

**(a)** is a danger to himself or to others; or

**(b)** lacks the mental capacity to contract or manage the person's own affairs.

The term includes:

**(a)** a finding of insanity by a court in a criminal case; and

**(b)** those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. §§ 850(a) and 876(b).

**(2) "Committed to a mental institution"** means a formal commitment of a person to a mental institution by a court of competent jurisdiction. The term includes a commitment to a mental institution involuntarily, and a commitment to a mental institution for mental defectiveness, mental illness, and other reasons, such as drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

**(3) "Mental institution"** includes mental health facilities, mental hospitals, sanitariums, psychiatric facilities, and other facilities that provide diagnoses by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.

### Section 23-31-1030. Petition to remove prohibition from shipping, transporting, possessing, or receiving a firearm or ammunition.

**(A)** If a person is prohibited from shipping, transporting, possessing, or receiving a firearm or ammunition pursuant to 18 U.S.C. § 922(g)(4) or § 23-31-1040 as a result of adjudication as a mental defective or commitment to a mental institution, the person may petition the court that issued the original order to remove the prohibitions. The person may file the petition upon the expiration of any current commitment order; however, the court only may consider petitions for relief due to adjudications and commitments that occurred in this State.

**(B)** The petition must be accompanied by an authorization and release signed by the petitioner authorizing disclosure of the petitioner's current and past medical records, including mental health records.

**(C)** If the petition is filed pro se, the court shall provide notice to all parties of record. If the petitioner is represented by counsel, counsel shall provide notice to all parties of record.

**(D)** Notwithstanding the exclusive jurisdiction of the court to preside over hearings initiated pursuant to this section, the case may be removed to the circuit court upon motion of the petitioner or on motion of the court, made not later than 10 days following the date the petition is filed. Upon such motion, the case must be removed to the circuit court where the court shall proceed with the case de novo.

**(E)**

**(1)** Within 90 days of receiving the petition, unless the court grants an extension upon request of the petitioner, the court shall conduct a hearing which must be presided over by a person other than the person who gathered evidence for use by the court in the hearing.

**(2)** At the hearing on the petition, the petitioner shall have the opportunity to submit evidence, and a record of the hearing must be made and maintained for review. The court shall consider information and records, which otherwise are confidential or privileged, relevant to the criteria for removing firearm and ammunition prohibitions and shall receive and consider evidence concerning the following:

**(a)** the circumstances regarding the firearm and ammunitions prohibitions imposed by 18 U.S.C. § 922(g)(4) and § 23-31-1040;

**(b)** the petitioner's record, which must include, at a minimum, the petitioner's mental health and criminal history records;

**(c)** evidence of the petitioner's reputation developed through character witness statements, testimony, or other character evidence; and

**(d)** a current evaluation presented by the petitioner conducted by the Department of Mental Health or a physician licensed in this State specializing in mental health specifically addressing whether due to mental defectiveness or mental illness the petitioner poses a threat to the safety of the public or himself or herself.

**(F)** The hearing must be closed to the public, and the petitioner's mental health records must be restricted from public disclosure. However, upon motion by the petitioner, the hearing may be open to the public, and the court may allow for the in camera inspection of the petitioner's mental health records and for the use of these records, but these records must be restricted from public disclosure.

**(G)**

**(1)** The court shall make findings of fact regarding the following and shall remove the firearm and ammunition prohibitions if the petitioner proves by a preponderance of the evidence that:

**(a)** the petitioner is no longer required to participate in court-ordered psychiatric treatment;

**(b)** the petitioner is determined by the Department of Mental Health or by a physician licensed in this State specializing in mental health to be not likely to act in a manner dangerous to public safety; and

**(c)** granting the petitioner relief will not be contrary to the public interest.

**(2)** Notwithstanding item (1), the court must not remove the firearm and ammunition prohibitions if, by a preponderance of the evidence, it is proven that the petitioner has engaged in acts of violence subsequent to the petitioner's last adjudication as a mental defective or last commitment to a mental institution, unless the petitioner, by clear and convincing evidence, proves that he is not likely to act in a manner dangerous to public safety.

**(H)** If the petitioner is denied relief and the firearm and ammunition prohibitions are not removed, the petitioner may appeal to the circuit court for de novo review. In conducting its review, the circuit court:

**(1)** shall review the record;

**(2)** may give deference to the decision of the court denying the petitioner relief; and

**(3)** may receive additional evidence as necessary to conduct an adequate review.

**(I)** Medical records, psychological reports, and other treatment records which have been submitted to the court or admitted into evidence under this section must be part of the record, but must be sealed and opened only on order of the court.

**(J)** If a court issues an order pursuant to this section that removes the firearm and ammunition prohibitions that prohibited the petitioner from shipping, transporting, possessing, or receiving a firearm or ammunition pursuant to 18 U.S.C. § 922(g)(4) or § 23-31-1040, arising from adjudication as a mental defective or commitment to a mental institution, the court shall provide SLED with a certified copy of the order that may be transmitted through electronic means. SLED promptly shall inform the NICS of the court action removing these firearm and ammunition prohibitions.

**Section 23-31-1040. Unlawful for a person adjudicated as a mental defective or committed to a mental institution to ship, transport, possess, or receive a firearm or ammunition; penalty; confiscation.**

**(A)** It is unlawful for a person who has been adjudicated as a mental defective or who has been committed to a mental institution to ship, transport, possess, or receive a firearm or ammunition.

**(B)** A person who violates this section is guilty of a felony, and, upon conviction, must be fined not more than \$2,000 or imprisoned not more than 5 years, or both.

**(C)** In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use the firearm or ammunition within the agency, transfer the firearm or ammunition to another law enforcement agency for the lawful use of that agency, trade the firearm or ammunition with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy the firearm or ammunition. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which the firearm or ammunition may be involved are finally determined. If SLED seized the firearm or ammunition, SLED may keep the firearm or ammunition for use by SLED's forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies pursuant to this section. A law enforcement agency that receives a firearm or ammunition pursuant to this subsection may administratively release the firearm or ammunition to an innocent owner. If possession of the firearm or ammunition is necessary for legal proceedings, the firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally concluded. Before the firearm or ammunition may be released, the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this subsection which resulted in the firearm's or ammunition's confiscation. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within 30 days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this subsection.

**(D)** At the time the person is adjudicated as a mental defective or is committed to a mental institution, the court shall provide to the person or the person's representative, as appropriate, a written form that conspicuously informs the person or the person's representative, as appropriate, of the provisions of this section.

**Section 23-31-1050. Definitions for Sections 23-31-1030 and 23-31-1040.**

As used in Section 23-31-1030 and Section 23-31-1040:

**(1) "Ammunition"** means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in a firearm other than an antique firearm. The term does not include:

**(a)** a shotgun shot or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing; or

**(b)** an unloaded, nonmetallic shotgun hull or casing not having a primer.

**(2) "Antique firearm"** means:

**(a)** a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898; and

**(b)** a replica of a firearm described in subitem (a) if such replica:

**(i)** is not designed or redesigned for using rimfire or conventional centerfire-fixed ammunition; or

**(ii)** uses rimfire or conventional centerfire-fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

**(3) "Firearm"** means a weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; a firearm muffler or firearm silencer; or a destructive device; but the term does not include an antique firearm. In the case of a licensed collector, the term means only curios and relics.

**(4) "Firearm frame or receiver"** means that part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

**(5) "Firearm muffler or firearm silencer"** means a device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

**Abbeville Code of Ordinances**

Current through Ordinance 14-2018, enacted January 8, 2019. (Supplement Number 23)

**Chapter 12 – Offenses and Miscellaneous Provisions**

**Article VI – Weapons**

**Section 12-122. Possession, manufacture or sale of certain pistols prohibited.**

No person shall carry about him, whether concealed or not, any pistol less than 20 inches long and three pounds in weight, and no person shall manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into the city any pistol of less length and weight.

**Blythewood Code of Ordinances**

Current through Ordinance 2019.006, passed July 22, 2019, 2019. (Supplement 29)

**Title X – Businesses Regulations  
Chapter 110 – Businesses Licenses  
General Provisions**

**Section 110.001. License required.**

**(A)** Every person engaged or intending to engage in any calling, business, occupation or profession listed in the rate classification index portion of this chapter, in whole or in part, within the limits of the Town of Blythewood, South Carolina, is required to pay an annual license fee for the privilege of doing business and obtain a business license as herein provided.

## Classification and Rates

### Section 110.038. Alphabetical Classification Index.

NAICS Code	Rate Class	Business Activity
451110	1	Gun shops, gunsmiths
33	3	Manufacturing - metals and metal products, small arms, ammunition, ... and miscellaneous

### Charleston Code of Ordinances

Current through Ordinance 2019-064, enacted July 16, 2019. (Supplement Number 91)

#### Chapter 21 – Offenses Article X – Weapons

### Section 21-220. Enhanced trigger devices.

#### (a) Prohibited.

(1) Any device capable of being attached to a firearm for the purpose of increasing the firing rate or capabilities of an otherwise legal firearm using recoil, commonly known as "bump stocks" or "bump fire stocks", are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in municipal court pursuant to section 1-16.

(2) Any device capable of attaching to a firearm and repeatedly activates the trigger of a weapon through the use of a lever or other part that is turned in a circular motion, commonly known as a "trigger crank" or "gat crank," is hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in municipal court pursuant to section 1-16.

#### (b) Exceptions. Violations as stated in subsection (a) or (b) above are subject to the following exceptions:

(1) Any member of the United States military or any legally sworn law enforcement personnel while engaged in the course of their duties or in training;

(2) Any "bump stock" or "trigger crank" device which is possessed by a person who is not prohibited under state or federal law from using, owning, or possessing a firearm, and the device is completely disconnected from any firearm in a manner which would render the device inoperable and stored in a separate container from the firearm or weapon;

(3) Any law enforcement officer or department having seized a firearm with "bump stock" or "trigger crank" attached, pursuant to a lawful seizure of a weapon, as contraband or evidence of a crime, within the City of Charleston limits; provided, however, any law enforcement agency taking possession of a "bump stock" attached to a firearm must notify the Charleston Police Department immediately to inform them of the existence of the device, the location where it was obtained, where the device will be stored, and any other facts relevant to the use or possession of said device by any person;

(4) Possession of any weapon which is manufactured to fire through the use of a crank or lever.

### Charleston Zoning Code

Current through Ordinance 2019-094, enacted October 8, 2019. (Supplement Number 10)

#### Article 2 – Land Use Regulations Part 5 – Permitted Uses for Overlay Zones

### Section 54-229.4. Folly Road, FR, Overlay Zone.

#### b. Generally.

(e) Uses. Permitted uses and prohibited uses are described in each of the five sub-areas below. Gun shops shall be permitted only on parcels in this overlay zoning district with a base zoning of General Business (GB).

## Colleton County Code of Ordinances

Current through Ordinance 18-O-13, passed September 11, 2018. (Supplement Number 6)

### Chapter 14.08 – Zoning Article 14.08-3 – Conditional Uses

#### Section 14.08-3.020. Conditional use regulations.

##### N. Home occupations.

3. Rural home occupations. For residential lots located in the RC-1, RC-2, RD-1, RD-2, and UD-2 districts:

f. Rural home occupations include carpentry, metal working, electrical, welding, plumbing, repair shops, professional and technical services, insurance and real estate services, personal care services, and retail, excluding the sale of firearms.

## Columbia Code of Ordinances

Current through Ordinance Number 2017-027, enacted June 19, 2018. (Supplement Number 22)

### Chapter 8 – Environmental Health and Sanitation Article II – Nuisances

#### Section 8-31. Nuisance, Definitions.

(a) Definitions. As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

**Ghost gun** means a homemade firearm which was created or assembled without a serial number.

**Public nuisance** means as determined by an enforcement officer based upon the facts and circumstances found after reasonable inquiry, investigation or upon citizen report, those conditions or events which constitute an unreasonable interference with rights of the public in general, and where, in a public place, or where the public congregates, or where the public is likely to come within the range of influence through the senses, a person unlawfully does an act or omits to perform a duty, which act or omission does any one or more of the following:

(1) Annoys, injures, subverts or endangers the public's order, economy, resources, safety, health, welfare, comfort, repose or offends public decency;

(b) Nuisances affecting public health. The following are hereby declared to be nuisances affecting public health:

(9) Any act, structure, device, or location which is used for the manufacture, assembly, storage, warehousing, distribution or sale of one or more ghost guns.

#### Section 8-34. Nuisances prohibited and unlawful.

No person shall create any public nuisance in the city, and no person shall by inaction permit a public nuisance to occur or continue on any real property under such person's control, whether by recorded or unrecorded instrument or permission. Nor shall any person permit a public nuisance to occur involving any personal property under such person's control.

### Chapter 14 – Offenses and Miscellaneous Provisions Article IV – Offenses Against the Public Peace and Order

#### Section 14-100. Enhanced trigger devices declared illegal; exceptions.

(a) Any device capable of being attached to a firearm for the purpose of increasing the firing rate or capabilities of the firearm using recoil, commonly known as "bump stocks" or "bump fire stocks", are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in municipal court pursuant to section 1-5.

(b) Any device capable of attaching to a firearm and which repeatedly activates the trigger of the weapon through the use of a lever or other part that is turned in a circular motion, commonly known as "trigger crank" or "gat crank", are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in municipal court pursuant to section 1-5.

(c) Violations as stated in subsection (a) or (b) above are subject to the following exceptions:

(1) Any member of the United States military or any legally sworn law enforcement personnel while engaged in the course of their duties or in training;

(2) Any "bump stock" or "trigger crank" device which is possessed by a person who is not prohibited under state or federal law from using, owning or possessing a firearm, and the device is completely disconnected from any firearm in a manner which would render the device inoperable and stored in a separate container from the firearm or weapon;

(3) Any law enforcement officer or department which has seized a firearm, with "bump stock" or "trigger crank" attached, pursuant to a lawful seizure of a weapon, as contraband or evidence of a crime, inside the City of Columbia; provided, however, any law enforcement agency taking possession of a "bump stock" attached to a firearm must notify the Columbia Police Department immediately to inform them of the existence of the device, the location where it was obtained, where the device will be stored and any other facts relevant to the use or possession by any person.

(4) Possession of any weapon which is manufactured to fire through the use of a crank or lever.

## **Article XII – Extreme Risk Protection Orders**

### **Section 14-353. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**Extreme risk protection order** shall mean a court order prohibiting a person from having in the person's possession or control, purchasing or receiving or attempting to purchase or receive, a firearm, based upon a finding that the person presents a risk of suicide or of causing the death of, or serious bodily injury to, another person.

### **Section 14-363. Relinquishment of firearms.**

(a) An extreme risk protection order issued under this article (relating to interim extreme risk protection order) or (relating to order after hearing) shall require the relinquishment of all firearms owned by the respondent or in the respondent's possession or control within 24 hours following service of the order, except for cause shown, in which case the court issuing the order shall specify the time for relinquishment of any or all of the respondent's firearms and notify the subject of the order that they can relinquish the firearms to a licensed gun dealer that is willing to take custody of the firearms or to local law enforcement.

(b) A law enforcement officer serving an extreme risk protection order shall request that all firearms and any firearms license in the respondent's possession or control be immediately relinquished into the custody of the law enforcement officer. A law enforcement officer taking custody of a firearm or firearms license under this article shall transfer the firearm or firearms license to the Columbia Police Department (CPD) property and evidence facility for safekeeping.

(c) A respondent shall, within the time frame specified in the order, relinquish to a licensed gun dealer willing to take custody of the firearm or license or to a law enforcement officer any firearm or license remaining in the respondent's possession or control after the time of service.

(d) A licensed gun dealer or law enforcement officer taking custody of a firearm or license from a respondent shall provide the respondent with a copy of a signed and dated receipt. The receipt shall include a detailed description indicating the serial number and condition of each firearm and notification that firearms will be deemed abandoned and may then be disposed of in accordance with state law. The licensed gun dealer or law enforcement officer issuing the receipt shall file the original with the court and if gun dealer, provide a copy to the appropriate local law enforcement agency.

(e) A firearms dealer accepting custody of a firearm under this article shall provide the respondent and local law enforcement agency with an affidavit as specified in subsection (g):

(g) The affidavit shall include the following:

(1) The caption of the case in which the extreme risk protection order was issued.

(2) The name, address, date of birth and Social Security number of the respondent.

(3) A list of all firearms relinquished to the dealer and a detailed description of each firearm, including its condition and, if applicable, the manufacturer, model and serial number.

(4) The name and license number of the dealer and the address of the licensed premises.

(5) An acknowledgment that the dealer will not return a firearm to the respondent while the respondent is subject to an extreme risk protection order.

(6) An acknowledgment that the firearm, if sold or transferred, will be sold or transferred in compliance with State law and that no firearm will be returned to a respondent or any third party until the dealer has independently confirmed that the person requesting return of the firearm is legally eligible to possess firearms under federal and state law.

(h) In addition, the licensed gun dealer or appropriate law enforcement agency shall be liable to the lawful owner of said relinquished firearm for any loss, damage or substantial decrease in value of said firearm that is a direct result of a lack of reasonable care by the licensed gun dealer or appropriate law enforcement agency.

### **Section 14-364. Return of firearms.**

(a) Subject to this article if, following a hearing, a court vacates an interim extreme risk protection order, the court shall order the immediate return of all relinquished firearms and licenses to the respondent. Upon termination or expiration of an extreme risk protection order, the respondent may request that CPD return the firearm or license that had been relinquished. Subject to this article, the dealer shall return the firearm or license to the respondent as soon as possible but not later than the end of the next business day after the day on which the respondent makes the request.

(b) A third party may request the return of a relinquished firearm at any time by providing proof of ownership and a sworn affidavit. Proof of ownership may consist of a statement in the affidavit. The affidavit shall affirm the following:

(1) The third party will not intentionally or knowingly return a firearm to a person subject to an extreme risk protection order nor intentionally or knowingly allow a person subject to an extreme risk protection order to have access to a firearm.

(2) The third party understands that intentionally or knowingly allowing a person subject to an extreme risk protection order to have access to a firearm constitutes a violation of this article, and shall be guilty of a misdemeanor and punished, upon conviction, in accordance with section 1-5 of this Code.

(3) If the third party is a member of the household of a person who is subject to an extreme risk protection order, that any firearm returned to the third party will be stored either in a gun safe to which the person does not have and will not be permitted to access, or in a location outside the home to which the person does not have access.

(c) Prior to returning a firearm to any person, the law enforcement agency or firearms dealer in possession of the firearm shall independently confirm that the person requesting return of the firearm is legally eligible to possess firearms under federal and state law. The law enforcement agency or dealer receiving a request under this article shall conduct the required background check as soon as possible, but not later than the end of the next business day after the day on which the respondent makes the request.

## **Article XIII – Gun-Free School Zones**

### **Section 14-403. Definitions.**

**School** means a school which provides elementary or secondary education, as determined under state law.

**School zone** means on the grounds of, a public, parochial or private school or within a distance of 1,000 feet from the grounds of a public, parochial or private school.

### **Section 14-404. Prohibitions against possession or discharge of a firearm in a school zone.**

(a) It shall be unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(b) Subparagraph (a) shall not apply to the possession of a firearm:

(1) On private property not part of school grounds;

(2) If the individual possessing the firearm is licensed to do so by the state or a political subdivision of the state;

(3) Which is not loaded;

(4) In a locked container, or a locked firearms rack which is in a motor vehicle;

(5) By an individual for use in a program approved by a school in the school zone;

(6) By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(7) By a law enforcement officer acting in his or her official capacity; or

(8) That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities or the individual is in compliance with S.C. Code 16-23-420, specifically subsection (E) of that statute.

(c) Except as provided in subparagraph (b), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

(d) Subparagraph (a) shall not apply to the discharge of a firearm:

(1) On private property not part of school grounds;

(2) As part of a program approved by a school in the school zone, by an individual who is participating in the program;

(3) By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

(4) By a law enforcement officer acting in his or her official capacity.

**Folly Beach Code of Ordinances**  
Current through Ordinance 36-19, passed January 14, 2020. (Supplement Number 32)

**Title XI – Business Regulations**  
**Chapter 110 – General Licensing Provisions**  
**General Provisions**

**Section 110.01. License required.**

Every person engaged or intending to engage in any calling, business, occupation or profession listed in the rate classification index portion of this chapter, in whole or in part, within the limits of the city, is required to pay an annual license fee for the privilege of doing business and obtain a business license as herein provided. This includes the operation of any calling, business, occupation or profession from a residence located within the limits of the city.

**Classification and Rates**

**Section 110.40. Alphabetical index.**

NAICS Code	Rate Class	Business Activity
451110	1	Gun shops, gunsmiths
33	3	Manufacturing - metals and metal products, small arms, ammunition, ... and Misc.

**Title XV – Land Usage**  
**Chapter 163 – Zoning Districts**  
**Section 163.05 – Overlay District.**

**Section 63.05-02. Folly Road Corridor Overlay District (FCOD).**

(L) The following uses are prohibited in the FCOD:

(8) Gun shops.

**Fort Mill Code of Ordinances**  
Current through Ordinance 13-21, enacted July 22, 2013. (Supplement 9)

**Chapter 8 – Businesses**  
**Article – In General**

**Section 8-3. Pistols; sale restricted.**

No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has inquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mentally incompetent person, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

**Georgetown Code of Ordinances**  
Current through Ordinance April 20, 2017. (Supplement Number 70)

**Chapter 16 – Offenses and Miscellaneous Provisions**  
**Article XI – Weapons**

**Section 16-219. Sawed-off shotguns and rifles.**

It shall be unlawful for any person to carry about the person, other than a peace officer in the performance of duty, whether concealed or not, any sawed-off shotgun or rifle, both of which shall have the same meaning, in regard to barrel length, as "sawed-off shotgun" as defined in South Carolina Code 1976, section 23-31-310, and it shall be unlawful for any person to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into this city any such shotgun or rifle.

**Article XII – Comprehensive Safe Streets Regulations**

**Section 6-231. Prohibition against possession of weapons.**

(a) The public possession of firearms, associated ammunition, or any deadly weapon by any child under the age of eighteen (18) years within the corporate limits of the city is prohibited unless under the safe supervision and in the presence of a parent, guardian or the designee of a parent or guardian. As used in this subsection, the expression "deadly

weapon" means a knife with a blade of over two (2) inches, brass knuckles, nunchucks, blackjacks, nightsticks, or any other instrument designed by a manufacturer to inflict physical injury or serve as a weapon and/or any instrument actually used to inflict or threaten to inflict physical injury. Nothing in the subsection shall be construed as prohibiting the safe transport of unloaded rifles or shotguns through the city by juveniles for the purpose of hunting, target shooting or attending organized firearms safety training activities.

(b) It shall be unlawful for any person other than a parent or legal guardian to sell, barter, lend or give any minor under the age of eighteen (18) years any firearm, associated ammunition or any deadly weapon without the express consent of the child's parent or legal guardian.

(e) It is unlawful for any person to possess any firearm or deadly weapon upon any school grounds, within any park, playground or public building or public facility within the corporate limits of the city without first having obtained a permit from the South Carolina Law Enforcement Division or the express permission of the police department.

### **Greenville Code of Ordinances**

Current through Ordinance 2-19-52, enacted July 8, 2019. (Supplement Number 8)

#### **Chapter 28 – Secondhand Goods**

##### **Article III – Pawnbrokers**

#### **Section 28-65. Firearms register.**

In addition to the record required to be kept by section 28-62, every person licensed as a pawnbroker by the city shall keep a separate book, to be known as a firearms register, in and upon which shall be entered a full record of each and every transaction made by such licensee and the time made, which transaction involves a firearm of any nature or kind. Such record shall include the type or kind of firearm, and its make, trademark and serial number, and the correct name and address of the person from whom such firearm was acquired, and whether such acquisition is on pledge or by purchase or trade. It shall also carry and include the correct name and address of the person redeeming, purchasing or trading for such firearm, together with a signed receipt therefor. Such book shall be open to inspection by the revenue administrator and the chief of police, or any person duly authorized by either of them, at all reasonable hours.

### **Greenwood Code of Ordinances**

Current through Ordinance 19-003, enacted March 18, 2019. (Supplement 2)

#### **Chapter 28 – Miscellaneous Offenses**

##### **Article VII – Weapons**

#### **Section 28-249. Sawed-off shotguns and rifles.**

It shall be unlawful for any person to carry about the person, whether concealed or not, any sawed-off shotgun or rifle, both of which shall have the same meaning, in regard to barrel length, as the term "**sawed-off shotgun**" is defined in S.C. Code 1976, 23-31-310, and it shall be unlawful for any person to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into this city any such shotgun or rifle.

### **Horry County Code of Ordinances**

Current through Ordinance 114-18, adopted January 10, 2019. (Supplement 73)

#### **Chapter 12.5 – Licenses and Business Regulations**

##### **Article II – Pawnbrokers**

#### **Section 12.5-16. Definition.**

Any person, firm or corporation who loans money on pledge of personal property or other thing of value, other than securities or printed evidences of indebtedness, or who deals in the purchasing of personal property or other thing of value on condition of selling it back again at a stipulated price, is hereby declared and defined to be a "pawnbroker." Also any person, firm, or corporation engaged in the business of purchasing, selling, or trading in secondhand items, products, and/or merchandise including, but not limited to, electronics, computers, tools, firearms, sports equipment, musical equipment, cellular communication devices, appliances, or other items of value from the general public, is hereby declared and defined to be a "pawnbroker." Items exempt from mandatory reporting include books, clothing, furniture, or any item that normally does not have a unique serial or identification number.

#### **Section 12.5-17. License required.**

No person, firm, or corporation shall establish, conduct or operate the business of a pawnbroker without first having obtained a license therefore as is herein provided, or in violation of any of the provisions herein contained.

All such persons, firms or corporations conducting a pawnbroker's business, as defined in section 12.5-16, shall be required to show proof of having met the necessary requirements and have appropriate licenses and certificates as required under state and local law.

## Article IV – Business Licenses

### Section 12.5-91. License required.

Every person engaged in any calling, business, occupation or profession listed in the rate classification index portion of this article, in whole or in part, within the unincorporated areas of the County of Horry, South Carolina, is required to pay an annual license fee and obtain a business license as herein provided.

### Section 12.5-113. Business license fee schedule.

NAICS Code	Rate Class	Business Activity
451110	2	Gun shops, gunsmiths

## Appendix B – Zoning Article V – General Provisions

### Section 528. Home Occupations, One acre or less.

It is the purpose of this section to:

(d) Prohibit certain types of businesses that would be incompatible with residential uses.

15. Prohibited home occupation uses one (1) acre or less:

Ambulance Service ... Firearms (Those occupations that entail the manufacturing, sale, lease or rental of firearms/and or ammunition) Escort Services Adult Oriented Businesses (examples: private modeling, uncertified massage services) Drug/Alcohol Counseling Services Tattoo & Body Piercing (Added Per I & R recommendation) Swimming Pool Companies.

### Section 529. Home occupations, More than acre (including multi-family tracts).

It is the purpose of this section to:

(d) Prohibit certain types of businesses that would be incompatible with residential uses.

15. Prohibited home occupation uses more than one (1) acre:

Retail Sales ... Firearms (Those occupations that entail the manufacturing, sale, lease or rental of firearms/and or ammunition) Escort Services Adult Oriented Businesses (examples: private modeling, uncertified massage services) Drug/Alcohol Counseling Services Tattoo & Body Piercing (Added Per I & R recommendation) Swimming Pool Companies.

### Section 530. Home occupations, Less than one and one-half acre tracts.

It is the purpose of this section to:

(d) Prohibit certain types of businesses that would ordinarily be a use (permitted or conditional) in a commercial or industrial zoning district.

14. Prohibited uses in FA, LFA, CFA zones less than one and one-half (1) acres:

Large Commercial Heavy Equipment Operations ... Firearms (those occupations that entail the manufacturing, sale, lease or rental of firearms/and or ammunition) Escort Services Adult Oriented Businesses (examples: private modeling, uncertified massage services) Drug/Alcohol Counseling Services Tattoo & Body Piercing Swimming Pool Companies.

### Section 531. Home occupations, One and one-half acres and above.

It is the purpose of this section to:

(d) Prohibit certain types of businesses that would ordinarily be a use (permitted or conditional) in a commercial or industrial zoning district.

13. Prohibited uses in FA, LFA, CFA zones one and one-half (1) acres and above:

Heavy Equipment Operations ... Firearms (those occupations that entail the manufacturing, sale, lease or rental of firearms and/or ammunition) Escort Services Adult Oriented Businesses (examples: private modeling and uncertified massage services) Drug/Alcohol Counseling Services Tattoo and Body Piercing Swimming Pool Companies.

## Lancaster Code of Ordinances

Current through Ordinance O18-03, enacted February 27, 2018. (Supplement 15)

**Chapter 31 – Zoning  
Article VI – Appearance Code**

**Section 31-361. Zoning table of uses.**

R-15: Residential District

B-1: Business District

R-10: Residential District

B-2: Neighborhood Commercial District (GR, B-1-G, B-4)

R-6: Residential District

B-3: General Business District (GR, B-1-G, B-4)

MF: Multifamily District

IND: Industrial District (I-1, I-2)

PO: Professional Office District

MHP: Manufactured Home Park

NAICS: North American Industrial Classification System

SE: Means that a special exception from the board of zoning appeals is necessary in order to allow use

UP: Means that the use is permitted

Use description	NAICS	R-15	R-10	R-6	PO	B-1	B-2	B-3	IND	MF (1)	MHP (1)
2. Commercial											
Firearms/Ammunition Sales/Service						UP		UP	UP		

**Lyman Code of Ordinances**

Current through Ordinance 06252019A, enacted July 8, 2019. (Supplement 3)

**Chapter 22 – Offenses and Miscellaneous Provisions**

**Section 22-9. Carrying weapons on school property.**

It shall be unlawful for any person, except state, county or municipal law enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife with a blade over two inches long, a blackjack, a metal pipe or pole, firearm or any other type of weapon, device or object which may be used to inflict bodily injury or death.

**Mullins Code of Ordinances**

Current through Ordinance O18-03, enacted February 27, 2018. (Supplement 15)

**Title 5 – Business Licenses and Regulations  
Chapter 5.04 – Business Licenses and Taxes**

**Section 5.04.010. License required.**

Every person engaged or intending to engage in any calling, business, occupation or profession listed in the rate classification index portion of this chapter, in whole or in part, within the limits of the city is required to pay an annual license fee for the privilege of doing business and obtain a business license as herein provided.

**Section 5.04.210. Classification and rates.**

NAICS Code	Rate Class	Business Activity
451110	1	Gun shops, gunsmiths
33	2	Manufacturing, metals and metal products, small arms, ammunition, ... and misc.

**North Augusta Code of Ordinances**

Current through Ordinance 2018-03, enacted March 19, 2018. (Supplement 2)

**Chapter 15 – Occupational Licenses and Regulations  
Article II – Pawnbrokers; Secondhand Dealers**

**Section 15-44. Same, Firearms register.**

In addition to the record of pledged property required to be kept, every person licensed as a pawnbroker by the city, shall keep another and different book, to be known as a "Firearms Register", in and upon which shall be entered a full record of each transaction by such licensee made, and at the time made, involving a firearm of any nature or kind. Such record shall include the type or kind of firearm, its make, trademark and serial number. It shall likewise carry the correct name and address of the person from whom such firearm was acquired, whether such acquisition be on pledge or by purchase

or trade. It shall also carry and include the correct name and address of the person redeeming, purchasing or trading for such firearm, together with a signed receipt therefor. This book shall be open to inspection by the mayor and the public safety director, or any person duly authorized by either of them, at all reasonable times. A certified copy of such record shall also be made and filed each business day, on or by noon thereof, with the public safety director.

**North Charleston Code of Ordinances**

Current through Ordinance 2019-003, enacted January 10, 2019. (Supplement 62)

**Chapter 10.5 – Licenses, Permits and Miscellaneous Business Regulations  
Article II – Business Licenses**

**Section 10.5-16. License required.**

Every person engaged or intending to engage in any calling, business, occupation or profession listed in the rate classification index portion of this ordinance, in whole or in part, within the limits of the City of North Charleston, South Carolina, is required to pay an annual license fee for the privilege of doing business and obtain a business license as herein provided.

**Section 10.5-41. Business classification index.**

NAICS CODE	Rate Class	Business Activity
451110	1	Gun shops, gunsmiths
33	3	Manufacturing - metals and metal products, small arms, ammunition, ... and Misc. (except 331)

**Pickens Code of Ordinances**

Current through Ordinance 2016-10, enacted September 12, 2016. (Supplement 12)

**Chapter 18 – Zoning  
Article IV – District Regulations**

**Section 406. CBD, Central Business District.**

**406.2. Permitted uses.**

**A. Ground floor permitted uses:**

**26.** Gun shops/gunsmith, defined as a place where guns and other firearms are sold, made, and repaired (must be more than six hundred fifty (650) feet away from other gun shop establishments).

**Richland County Code of Ordinances**

Current through Ordinance 010-17HR. (Supplement 19)

**Chapter 26 – Land Development  
Article V – Zoning Districts and District Standards**

**Section 26-111. CC Crane Creek Neighborhood District.**

(e) Permitted Uses and Permitted Uses with Special Requirements for the CC Neighborhood District.

(3) Meaning of symbols. The meaning of the symbols in the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions for the CC Neighborhood District are as follows:

a. P. Means the indicated use is permitted in the indicated sub-district.

(6) Table of Permitted Uses and Permitted Uses with Special Requirements for the CC Neighborhood District. See Table below:

Use Types	CC-1	CC-2	CC-3	CC-4
Wholesale Trade				
Sporting Firearms and Ammunition			P	P

**Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.**

(b) Symbols used. The districts in which a particular use is permitted (with or without special requirements), are indicated by a "P", "SR", or "SE" in the district column(s) opposite the listed use. Blank spaces in the district column under any proposed use indicates that the use is NOT permitted in that particular zoning district.

(c) Meaning of symbols. The meaning of the symbols in the Table of Permitted Uses

(1) P. Means the indicated use is permitted in the indicated district.

(2) SR. Means the indicated use is permitted provided special additional standards set forth in this chapter are met. These standards are contained in Article VI., Supplemental Use Standards.

(f) Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions. See Table 26-V-2.

Table 26-V-2  
Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions

Use Types	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Wholesale Trade																	
Sporting Firearms and Ammunition														SR	P	P	P

**Sumter County Code of Ordinances**

Current through Ordinance 10-724, enacted January 18, 2011. (Supplement 3)

**Chapter 26 – Licenses, Permits and Miscellaneous Business Regulations**

**Article II – Occupational Licenses**

**Section 26-23. Required; fee.**

No person, other than those persons hereinafter excepted here from, shall engage or attempt to engage in calling, business, occupation or profession, in whole or in part, within any of the unincorporated areas of the county without first paying the annual license fee established herein and obtaining and being in possession of a valid business license issued by the county as herein provided. The provisions of this article shall be inapplicable to those parts of the county situated within any of the corporate limits of any municipality.

**Section 26-42 Classification rate schedules.**

(7) Alphabetical business classification index.

Name	SIC	Class
Guns, retail or dealer	5941	3
Guns, wholesale	5091	2
Gunsmith	7699	4

**Surfside Beach Code of Ordinances**

Current through Ordinance 19-0887, enacted February 26, 2019. (Supplement 27, Rev.)

**Chapter 17 – Zoning**

**Article III – District and Use Regulations**

**Division 11 – Use Regulations**

**Section 17-394. Use types.**

Within each zoning district, a use is either a Use Permitted by Right, a Conditional Use, a Special Exception, or a Use Not Allowed:

(1) P, Uses Permitted by Right. A "P" in the zoning district column of Table 17-395 indicates that a use is permitted in the respective zoning district, subject to compliance with the applicable regulations of this chapter.

(4) □, Uses Not Allowed. A blank cell in the zoning district column of Table 17-395 indicates that a use is not allowed in the respective zoning district, unless said use is otherwise expressly allowed by other provisions within this chapter.

**Section 17-395. Use table.**

Table 17-395 Use Chart

Districts											
Use Classifications	R-1	R-2	R-3	C-1	C-2	C-3	C-4	MU	MP	Special Standards	Parking Code
Retail Businesses (Low Traffic) including specialty establishments selling primarily one (1) product line, including stores selling ... guns, light fixtures, tackle shops, and other similar uses.				P	P	P					N S(C3)

Table Notes: The "Special Standards" column of this table is a cross-reference to use specific standards that apply to conditional and special exception uses. The "Parking Code" column establishes the parking requirement (key) for specific uses and is to be used with Table 17-420 in Article IV of this chapter.

**York Code of Ordinances**

Current through Ordinance 19-609, enacted December 3, 2019. (Supplement 2)

**Chapter 28 – Offenses and Miscellaneous Provisions**

**Article VII – Weapons**

**Section 28-282. Pistols and other deadly weapons.**

(b) Sale restricted. No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has inquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, a habitual drunkard, a drug addict, a mental incompetent, a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.