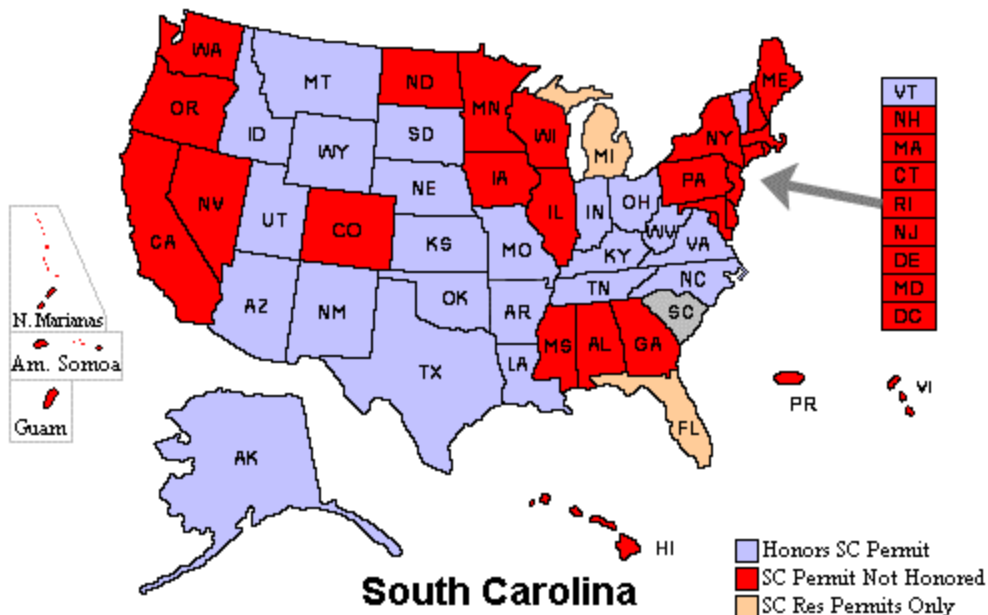


# South Carolina

Shall Issue

Must Inform Officer: **YES**



## Links

[State CCW Site](#)

[SC Gun Laws](#)

[CCW Application](#)

[State FAQ Site](#)

[State Statutes](#)

[State Admin Rules](#)

[State Reciprocity Info](#)

[State Attorney General](#)

[Non Resident App.](#)

[Secretary of State](#)

Last Updated: 1/14/10

## Permits/Licenses This State Honors

Alaska	Arizona	Arkansas	Florida	Kansas
Kentucky	Louisiana	Michigan	Missouri	North Carolina,
Ohio	Texas	Tennessee	Virginia	West Virginia
Wyoming.				

**South Carolina Does Not Honor Non-Resident Permits/Licenses. You must be a resident of the states they honor for your permit to be valid in South Carolina.**

## How to Apply for A Permit

### New/Renewal CWP Application Check List

All of the following are listed on the SC application. The [Application](#) can be downloaded or printed from the SLED Web Site.

1. **(New and Renewal)** If you have questions or need forms/copies of laws, go to SLED's web site at [www.sled.sc.gov](http://www.sled.sc.gov).
2. **(New and Renewal)** Processing time may be 90 days. A renewal should be mailed 90 to 120 days before permit's expiration.
3. **(New and Renewal)** An applicant must submit a completed application with signature and date.
4. **(New and Renewal)** A certified check, cashier's check, or money order for \$50 (non-refundable) payable to SLED is required.
5. **(New and Renewal)** An applicant must submit a copy of his/her driver's license (DL) or identification card (SC or other state).
6. **(New and Renewal)** A resident alien must provide a copy of his/her alien card from the Department of Homeland Security.
7. **(New and Renewal)** A resident alien must provide documentation (e.g. utility bill) supporting SC

- residency for 90 days.
8. **(New and Renewal)** Qualified non-residents must submit a completed Real Property Tax Form (SLED Form R-168).
  9. **(New Only)** An applicant must submit two (2) complete, legible sets of fingerprint cards.
  10. **(New Only)** Unless he/she has an SC driver's license, a military applicant must submit military identification and orders.
  11. **(New Only)** For fee waiver, a retired law enforcement officer must submit documentation from SC Retirement Systems.
  12. **(New Only)** For fee waiver, a disabled veteran must submit documentation from the VA of his/her disability percentage.
  13. **(New Only)** Handgun education courses must have been successfully completed within three (3) years of application filing.
  14. **(New Only)** The training date and instructor certification number must be entered for handgun education courses.
  15. **(New Only)** If you are statutorily exempt from the handgun education course, enter "Exempt" for training information.
  16. **(New Only)** An applicant must retain training or exemption documentation and, upon request, submit it to SLED for audit.

Please mail all of this information to:

SLED REGULATORY  
P.O. BOX 21398  
COLUMBIA, SC 29221-1398

**Please Note:** It will take approximately ninety (90) days to process your new application.

**Please Note:** It will take approximately thirty (30) days to process your renewal application.

**Note:** Sled has stated in the past that all fees are non refundable.

## Non-Resident Permits

If you own property in SC you can apply for a Non-Resident Permit/License. Non-Residents must fill out this [Form](#) and have the Assessor sign it to show you own property. Then follow the Application process as spelled out in the Resident Permit Section

**To Renew: See Resident Permit Section**

## Places Off-Limits Even With A Permit/License

- [Section 23-31-215 \(M\).](#)
- (1) police, sheriff, or highway patrol station or any other law enforcement office or facility;
- (2) detention facility, prison, or jail or any other correctional facility or office;
- (3) courthouse or courtroom;
- (4) polling place on election days;
- (5) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;
- (6) school or college athletic event not related to firearms;
- (7) day care facility or pre-school facility;
- (8) place where the carrying of firearms is prohibited by federal law;
- (9) church or other established religious sanctuary (unless authorized);

- (10) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer.
- Any Place a sign posted states, "No Concealable Weapons Allowed" in accordance with [Section 23-31-235](#). (sign must meet requirements).
- Carrying concealed weapons into residences or dwellings. No person who holds a permit issued pursuant to Article 4, Chapter 31, Title 23 may carry a concealable weapon into the residence or dwelling place of another person without the express permission of the owner or person in legal control or possession, as appropriate.

[Section 16-23-420](#). (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."

- The "[Offenses Involving Weapons](#)" [Chapter \(16-23\)](#) of SC Code adds other restrictions applicable to CWP holders as well:
- Into any establishment where alcohol is served for consumption on premises. This includes restaurants ([Section 16-23-465](#)) .
- Into "any publicly-owned building, without the express permission of the authorities in charge of the premises or property" ([Section 16-23-420\(a\)](#)) .

[Section 23-31-235](#). Sign requirements.

(A) Notwithstanding any other provision of this article, any requirement of or allowance for the posting of signs prohibiting the carrying of a concealable weapon upon any premises shall only be satisfied by a sign expressing the prohibition in both written language interdict and universal sign language.

(B) All signs must be posted at each entrance into a building where a concealable weapon permit holder is prohibited from carrying a concealable weapon and must be:

- (1) clearly visible from outside the building;
- (2) eight inches wide by twelve inches tall in size;
- (3) contain the words "NO CONCEALABLE WEAPONS ALLOWED" in black one-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;
- (4) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty-five degree angle from the horizontal;
- (5) a diameter of a circle; and
- (6) placed not less than forty inches and not more than sixty inches from the bottom of the building's entrance door.

(C) If the premises where concealable weapons are prohibited does not have doors, then the signs contained in subsection (A) must be:

- (1) thirty-six inches wide by forty-eight inches tall in size;
- (2) contain the words "NO CONCEALABLE WEAPONS ALLOWED" in black three- inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;
- (3) contain a black silhouette of a handgun inside a circle thirty-four inches in diameter with a diagonal line that is two inches wide and runs from the lower left to the upper right at a forty-five degree angle from the horizontal and must be a diameter of a circle whose circumference is two inches wide;
- (4) placed not less than forty inches and not more than ninety-six inches above the ground;
- (5) posted in sufficient quantities to be clearly visible from any point of entry onto the premises.

[Section 23-31-210](#). Definitions as used in this article:

(5)"Concealable weapon" means a firearm having a length of less than twelve 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."

### Carry In State Parks/State & National Forests/WMA/Road Side Rest Areas

#### Carry Allowed in these Areas:

**State Parks:** YES 51-3-145.

**State/National Forests:** YES 51-3-145.

**WMA's:** YES 123-203 (B) & 123-204 (D)

**Road Side Rest Areas:** YES 16-23-420

### RV/Car Carry Without A Permit/License

#### 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.

(10) "Luggage compartment" means the trunk of a motor vehicle which has a trunk; however, with respect to a motor vehicle which does not have a trunk, the term "luggage compartment" refers to the area of the motor vehicle in which the manufacturer designed that luggage be carried or to the area of the motor vehicle in which luggage is customarily carried. In a station wagon, van, hatchback vehicle, or sport utility vehicle, the term "luggage compartment" refers to the area behind, but not under, the rearmost seat. In a truck, the term "luggage compartment" refers to the area behind the rearmost seat, but not under the front seat.

**SECTION 16-23-20.** Unlawful carrying of handgun; exceptions.

It is unlawful for anyone to carry about the person any handgun, whether concealed or not, except as follows, unless otherwise specifically prohibited by law:

- (1) regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor's constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers employed as private detectives or private investigators;
- (2) members of the Armed Forces of the United States, the National Guard, organized reserves, or the State Militia when on duty;
- (3) members, or their invited guests, of organizations authorized by law to purchase or receive firearms from the United States or this State or regularly enrolled members, or their invited guests, of clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members, or their invited guests, are at or going to or from their places of target practice or their shows and exhibits;
- (4) licensed hunters or fishermen who are engaged in hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot;
- (5) a person regularly engaged in the business of manufacturing, repairing, repossessing, or dealing in firearms, or the agent or representative of this person, while possessing, using, or carrying a handgun in the usual or ordinary course of the business;
- (6) guards authorized by law to possess handguns and engaged in protection of property of the United States or any agency of the United States;
- (7) members of authorized military or civil organizations while parading or when going to and from the places of meeting of their respective organizations;
- (8) a person in his home or upon his real property or a person who has the permission of the owner or the person in legal possession or the person in legal control of the home or real property;
- (9) a person in a vehicle if the handgun 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; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance;
- (10) a person carrying a handgun unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of changing or moving one's residence or changing or moving one's fixed place of business;
- (11) a prison guard while engaged in his official duties;
- (12) a person who is granted a permit under provision of law by the State Law Enforcement Division to carry a handgun about his person, under conditions set forth in the permit, and while transferring the handgun between the permittee's person and a location specified in item (9);

(13) the owner or the person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business, and the employee of a fixed place of business, other than a business subject to Section 16-23-465, while at the place of business; however, the employee may exercise this privilege only after: (a) acquiring a permit pursuant to item (12), and (b) obtaining the permission of the owner or person in legal control or legal possession of the premises;

(14) a person engaged in firearms related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms, unless the premises is posted with a sign limiting possession of firearms to holders of permits issued pursuant to item (12);

(15) a person while transferring a handgun directly from or to a vehicle and a location specified in this section where one may legally possess the handgun.

(16) Any person on a motorcycle when the pistol is secured in a closed saddlebag or other similar closed accessory container attached, whether permanently or temporarily, to the motorcycle.

## State Preemption

**SECTION 23-31-510.** Prohibition against regulation of certain matters.

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

**SECTION 23-31-520.** Power to regulate public use of firearms; confiscation of firearms or ammunition.

This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms, nor does it prevent the regulation of public brandishment of firearms during the times of or a demonstrated potential for insurrection, invasions, riots, or natural disasters. This article denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest.

## Deadly Force Laws

[16-11-410 thru 16-11-450](#). "Protection of Persons and Property Act".

**Also this court case:**

State of South Carolina  
State Law Enforcement Division (SLED)  
Use of Firearms or Other Weapons

(Taken from the SLED Web site on Firearms)

## Use of Deadly Force

*State v. Fuller*, 297 S.C. 440, 377 S.E.2d 328 (1989) sets forth the elements of self-defense in South Carolina. These are:

1. you must be without fault in bringing on the difficulty;
2. you must actually believe you are in imminent danger of loss of life or serious bodily injury *or* actually be in such danger;
3. if you believe you are in such danger, you must use deadly force only if a reasonable or prudent man of ordinary firmness and courage would have believed himself to be in such danger, or, if you actually were in such danger, the circumstances were such as would warrant a man of ordinary prudence, firmness and courage to strike the fatal blow in order to save yourself from serious bodily harm or losing your own life;
4. you had no other probable means of avoiding the danger of losing your own life or sustaining serious bodily injury than to act as you did in the particular instance.

### **Bill 4301 also known as the “Protection of Persons and Property Act.” 16-11-410 thru 450**

- (1) 'Dwelling' means a building or conveyance of any kind, including an attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging there at night. 16-11-410 thru 16-11-450
- (2) 'Residence' means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.
- (4) 'Vehicle' means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.
- (C) A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person or to prevent the commission of a violent crime as defined in Section 16-1-60.

### **Defense of Others**

In *State v. Hays*, 121 S.C. 163, 168, 113 S.E. 362, 363 (1922), the Court approved a “defense of others” instruction, as follows:

The right to take the life of an assailant during an unprovoked assault extends to any relative, friend, or bystander if the use of deadly force is necessary to save the victim wrongfully assaulted from imminent danger of being murdered by the assailant, if the assault is malicious and unprovoked and with a deadly weapon, with the apparent malicious intention to take the life of the victim and thereby commit murder, and if such murder is imminent, then any relative, friend, or bystander has the right to take the life of the assailant if necessary to prevent such murder, provided there was no other reasonable means of escape for the victim so assailed, and provided both the person assailed and the person coming to his defense were without legal fault in bringing on the difficulty.

South Carolina has adopted the so-called “alter-ego” rule with respect to the defense of others. In *State v. Cook*, 78 S.C. 253, 59 S.E. 862 (1907), the Court summarized this rule:

If you intervene on behalf of another, you will not be allowed the benefit of the plea of self-defense, unless that plea would have been available to the person you assisted if he himself had done the killing.

In other words, the person intervening is deemed to “stand in the shoes” of the person on whose behalf he is intervening. If that individual “had the right to defend himself, then the intervening party is also protected by that right. If, however, the party [victim] had no right to use force...then the intervening party will also assume the liability of the person on whose behalf he interfered.” *McAninch and Fairey*, p. 494.

The “defense of others” rules apply to “any relative, friend or bystanders...” *State v. Hays, supra*. The same principles of retreat and withdrawal apply as if the individual himself were acting in self-defense rather than on behalf of someone else. If there was no duty to retreat by the person being assisted, there is no duty imposed upon the intervenor.

### **Defense of Property**

“...in the protection of one’s dwelling, only such force must be used as is necessary, or apparently necessary, to a reasonably prudent man. Any greater expenditure cannot be justifiable and is therefore punishable. *State v. Hibler*, 79 S.C. 170, 60 S.E. 438 (1907).

“[t]he weight of modern authority limits deadly force in a defense of a dwelling to situations in which the householder reasonably believes that the intruder intends to commit a felony or only when deadly force would be authorized by the law of self-defense.” *McAninch and Fairey*.

## **Knife Laws State/Cities**

To access **State/Local Knife Laws** Click [“Here”](#)

## **Carry in Restaurants That Serve Alcohol**

**NO**

**Note:** What is defined as carry in a restaurant that serves alcohol is a place like Friday’s or Red Lobster. This does not mean a bar or the bar area of a restaurant. Handgunlaw.us believes you should never consume alcohol when carrying your firearm. In some states it is illegal to take even one drink while carrying a firearm.

## **Chemical Sprays/Stun Gun/Higher Capacity Magazine Laws**

### **Chemical Sprays:**

**16-23-470** It is lawful to possess a container not exceeding fifty cubic centimeters (50cc) containing tear gas “for self-defense purposes only”.

## **LEOSA State Information**

No Information Available

www.handgunlaw.us

## Attorney General Opinions/Court Cases

### [South Carolina AG - Off-Duty Police in Schools](#)

## Airport Carry/Misc. Information

**Airport Carry:** If publically owned Not in Terminal. Parking Lot OK (Section 16-23-420(a))  
It is difficult to know who owns the airport. Handgunlaw.us recommends not carrying in any Terminal.

**Training Valid for:** 3 Years

**Time Period to Establish Residency:** Upon obtaining a South Carolina Drivers License/ID.

**Minimum Age for Permit/License:** 21

**Permit/License Info Public Information:** NO

**State Fire arm Laws:** 23-31-10 thru 23-31-600 & 16-23-210 thru 16-23-520

**State Deadly Force Laws:** 16-11-410 thru 16-11-450.

**State Knife Laws:** 16-23-405 & 16-23-430

**Chemical/Electric Weapons Laws:** 16-23-470

**Body Armor Laws:** 16-3-1080.

**Does Your Permit Cover Other Weapons Besides Firearms?** NO 23-31-210.

## Updates to this Page

**6/3/09** – Keeping Firearms in vehicle in school parking lots info added. (New Law Passed)

**6/30/09** – Reciprocity Map updated with change in KS and Non Resident Permit/Licenses

**8/22/09** – All links checked and repaired if needed.

**8/27/09** – How to apply section updated. License term updated.

**8/31/09** – NE now honors a SC Permit.

**10/11/09** – WMA Carry changed to YES

**1/13/10** – Permit Info Public Updated