

Gun Laws in South Carolina

Piecing It All Together



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Gun Laws in South Carolina - Piecing It All Together
A Free Guide for Gun Owners in South Carolina

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Foreword



Gun ownership remains a controversial issue here in South Carolina and throughout the United States. Regardless of whether you believe gun ownership is a “right” or a “privilege” which should be given to a few, South Carolina permits the ownership and carrying of weapons, concealed or otherwise.

As a former member of the U.S. Army, I’ve had extensive training regarding the responsible, safe use of weapons. Ownership comes with a duty to handle weapons carefully and to keep weapons away from children and others who might harm themselves. Likewise, to be a responsible gun owner, you should familiarize yourself with the laws that govern how, where, and why you may possess or use a gun. That’s why my law partner Thomas and I put together this book to guide you and to educate you about gun laws in South Carolina. It’s our sincere hope that after you’ve read this guide, you’ll share it with others so that they too will know their rights and responsibilities for owning, carrying, and using a firearm.

Best wishes,

A handwritten signature in black ink, appearing to read 'S. Futeral', written in a cursive style.

Stephan Futeral

About the Authors

Stephan Futeral has been a criminal attorney since 1993. He was a judicial clerk for the Honorable C. Tolbert Goolsby, Jr., Judge of the South Carolina Court of Appeals, and he has been a law professor at the Charleston School of Law. He was granted membership to the National Trial Lawyers Top 100 Criminal Trial Lawyers. He practices law in Charleston, South Carolina with the law firm of Futeral & Nelson, LLC. For more information on Stephan Futeral's professional background, please [tap here](#).

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first seeking the advice of an attorney licensed to practice in your area.

South Carolina's Gun Laws

Numerous citizens own guns and use them for self-defense, target shooting, hunting, and other lawful purposes. If you're a gun owner or thinking about buying a gun, you should familiarize yourself with the laws on guns so that you don't accidentally violate South Carolina's laws.



South Carolina's gun laws regulate the sale, possession, and use of firearms and ammunition. No permit is required to buy rifles, shotguns, or handguns.

Open Carry

Open carry is not allowed, even if you have a concealed weapons permit, but no permit is required to carry a loaded handgun in the console or glove compartment of a car.

Shall Issue State

South Carolina is a "shall issue" concealed carry permit state. A "shall issue" jurisdiction means that you need a license to carry a concealed handgun. If you meet South Carolina's criteria for a concealed weapons permit, then you are entitled to the permit without having to show "good cause" to carry a concealed weapon.

Protection of Persons and Property

South Carolina also recognizes the "Castle Doctrine" which allows the use of deadly force against intruders in your home, your business, or your vehicle. This doctrine was enacted into a law known as the "Protection of Persons and Property Act."

Defense of Others

South Carolina also has the "alter-ego" clause concerning the defense of others. That means that self-defense applies when a person uses deadly force to defend a friend, relative or bystander if that defense would have been available to the

person requiring assistance if they had been the one who used deadly force. 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 or herself, then the intervening party is also protected by that right. To claim self-defense, a person has to be in a place they have a legal right to be, must not be involved in any illegal activity, must not have started the confrontation, and must be in imminent danger of death or serious bodily harm.

Weapons Offenses

There are many weapons laws in South Carolina, and if you have any specific questions, you should consult with an attorney. However, some offenses are more commonly seen than others. For example, you can't own or handle an automatic weapon, a stolen handgun, a handgun without a serial number, a sawed-off rifle, or a sawed-off shotgun. Also, you can't bring to a school any weapon, which includes a knife with over a 2-inch blade, a blackjack, a metal pipe or pole, firearms, or any other type of weapon, device, or object which may be used to inflict bodily injury or death. Importantly, you can't point a firearm at another person. Further, you can't discharge a firearm at or into a building or any structure that can be occupied by people or discharge a weapon at a car, boat, or aircraft.

City and county ordinances may regulate the careless or negligent discharge or brandishing (displaying) of firearms.

Check your local laws before handling or discharging firearms.

A person illegally carrying a firearm can be charged with a number of different crimes. Depending on the nature of the offense, “unlawfully carrying of a firearm” can be as light as a misdemeanor that carries up to one year in jail or as serious as a federal felony that carries over fifteen years in jail.

Persons Prohibited

Under South Carolina law, a person can’t possess a firearm if that person falls in any of the following categories:

1. The person is adjudicated mentally defective or committed to a mental institution.
2. The person has been convicted of any of the following offenses that are defined as “violent” under South Carolina law:
 - Murder
 - Attempted murder
 - Assault and battery by mob, first degree, resulting in death
 - Criminal sexual conduct (“CSC”) in the first or second degree
 - Criminal sexual conduct with minors, first, second, or third degree

- Assault with intent to commit criminal sexual conduct, first and second degree
- Assault and battery with intent to kill (“ABWIK”)
- Assault and battery of a high and aggravated nature (“ABHAN”)
- Kidnapping
- Trafficking in persons
- Voluntary manslaughter
- Armed robbery
- Attempted armed robbery
- Carjacking
- Certain drug trafficking offenses, as defined in Section 44-53-370(e)
- Trafficking cocaine base as defined in Section 44-53-375(C)
- Manufacturing or trafficking methamphetamine as defined in Section 44-53-375
- Arson in the first degree or second degree
- Burglary in the first or second degree
- Engaging a child for a sexual performance

- Homicide (or aiding and abetting in) by child abuse
- Inflicting (or allowing to inflict) great bodily injury upon a child
- Criminal domestic violence of a high and aggravated nature
- Abuse or neglect of a vulnerable adult resulting in great bodily injury or death
- Taking of a hostage by an inmate
- Detonating a destructive device upon the capitol grounds resulting in death with malice
- Spousal sexual battery
- Producing, directing, or promoting sexual performance by a child
- Sexual exploitation of a minor first degree or second degree
- Promoting of or participating prostitution of a minor
- Aggravated voyeurism
- Detonating a destructive device resulting in death with or without malice
- Boating under the influence resulting in death

- Vessel operator's failure to render assistance resulting in death
 - Damaging an airport facility or removing equipment resulting in death
 - Failure to stop when signaled by a law enforcement vehicle resulting in death
 - Interference with traffic-control devices, railroad signs, or signals resulting in death
 - Hit and run resulting in death
 - Felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death
 - Putting destructive or injurious materials on a highway resulting in death
 - Obstruction of a railroad resulting in death
 - Accessory before the fact to commit any of the above offenses
 - Attempt to commit any of the above offenses
3. The person has been convicted of a crime of violence in any court in the United States.
 4. The person is a member of a subversive organization.

5. The person is under the age of 18 unless the person is temporarily possessing the gun under the immediate supervision of a parent or an adult instructor.
6. The person has been adjudged by a circuit judge to be unfit to carry or possess a firearm.

Under federal law, a person can't possess a firearm if that person falls in any of the following categories:

1. The person has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year. It does not matter what sentence the person actually received. It only matters what maximum the person could have received for the offense. The following offenses can carry more than one year but are exceptions to this rule:
 - Any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;
 - Any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less; or
 - Any conviction which has been expunged or pardoned, or the person has otherwise had his or her civil rights restored, unless such pardon, expungement, or restoration of civil rights expressly provides that the

person may not ship, transport, possess, or receive firearms.

2. The person is a fugitive from justice.
3. The person is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).
4. The person has been adjudicated as a mental defective or has been committed to a mental institution.
5. The person is an alien who:
 - is illegally or unlawfully in the United States; or
 - has been admitted to the U.S. under a nonimmigrant visa (with some exceptions).
6. The person has been discharged from the Armed Forces under dishonorable conditions.
7. The person has renounced his U.S. citizenship.
8. The person is subject to a Family Court Order of Protection.
9. The person has been convicted of Criminal Domestic Violence (CDV) and the CDV has not been expunged.

Carrying & Concealing Handguns

Numerous citizens own guns and use them for self defense, target shooting, hunting, and other lawful purposes. If you're a gun owner or thinking about purchasing a gun, you should familiarize yourself with the laws on guns so that you don't accidentally violate South Carolina's laws.



Concealed Weapons Permit (CWP)

IN THIS SECTION

1. Concealable Weapons
2. Permit ID Card Required
3. Reciprocity with Other States
4. Places Off-Limits
5. Concealed Weapon in a Vehicle
6. Keeping Concealed Weapons Out of Your Business
7. Getting a CWP
8. CWP Training
9. Duration of a CWP
10. Denial of a CWP
11. Revocation of a CWP

CONCEALABLE WEAPONS

A concealable weapon is a firearm having a length of less than 12 inches along its greatest dimension. A Concealed Weapons Permit (CWP) holder must carry a concealable weapon in a manner that hides it from public view in normal clothing except when used for self-defense, defense of others, or the protection of property. Also, in South Carolina, holders of a Concealed Weapons Permit can carry a handgun openly on them or in their vehicle. However, local governments can restrict openly carrying a handgun on public property during certain events

PERMIT ID CARD REQUIRED

Under Section 23-31-215, a permit holder must have his or her permit identification card in his or her possession whenever he or she carries a concealable weapon. When carrying a concealable weapon, a permit holder must inform a law enforcement officer that he or she is a permit holder and present the permit identification card when an officer (1) identifies himself or herself 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 South Carolina Law Enforcement Division (SLED) headquarters. If you change your address, you must notify SLED within 10 days. Keep your old card until you get your new one, and then return the old one to SLED.

RECIPROCITY WITH OTHER STATES

Reciprocity refers to an agreement between two states to recognize each other's laws. South Carolina has reciprocity with certain states regarding concealed weapons permits. This means that if you hold a CWP in South Carolina, various other states will recognize it, but you still have to comply with that state's laws when carrying it. Visit SLED's website for an [interactive map of reciprocity](#).

PLACES OFF-LIMITS

Under Section 23-31-215, a CWP holder may carry a concealed weapon anywhere in South Carolina EXCEPT for the following places:

- Restaurants that serve alcohol for on-premises consumption UNLESS you don't consume any alcohol
- Police stations, Sheriff's departments, or other law enforcement facilities
- Jails or detention centers
- Courthouses/courtrooms
- Polling places on election days
- Offices or meeting places of governmental entities such as counties, cities, and school districts

- School or college athletic events not related to firearms
- Daycares or preschools
- Places where the carrying of firearms is prohibited by federal law
- Churches or religious sanctuaries unless permission is given by the head of the facility
- Hospitals, medical clinics, doctor's offices or other places where medical services are rendered unless permission is given by the head of the facility
- Businesses or other establishments that post "No Concealed Weapons Allowed" signs or that otherwise express that they do not want concealed weapons on their premises
- Where the owner, holder of a lease interest, or operator of property verbally asks anyone known to be carrying a concealed weapon not to carry the weapon; or asks a person carrying a concealed weapon to leave upon learning they are in possession of the weapon
- Homes, apartments, or other dwellings unless you have the express permission of the person living at the residence

CONCEALED WEAPONS IN A VEHICLE

In South Carolina, CWP holders carry their weapon openly in their vehicle.

IMPORTANT

Be mindful of where you're traveling with your concealed weapon. For example, even though you CAN travel with a concealed weapon on your person (such as in a holster) while driving your car, you CAN'T do the same thing when you are on school property! Instead, you have to secure the weapon as indicated in this section.

KEEPING CONCEALED WEAPONS OUT OF YOUR BUSINESS

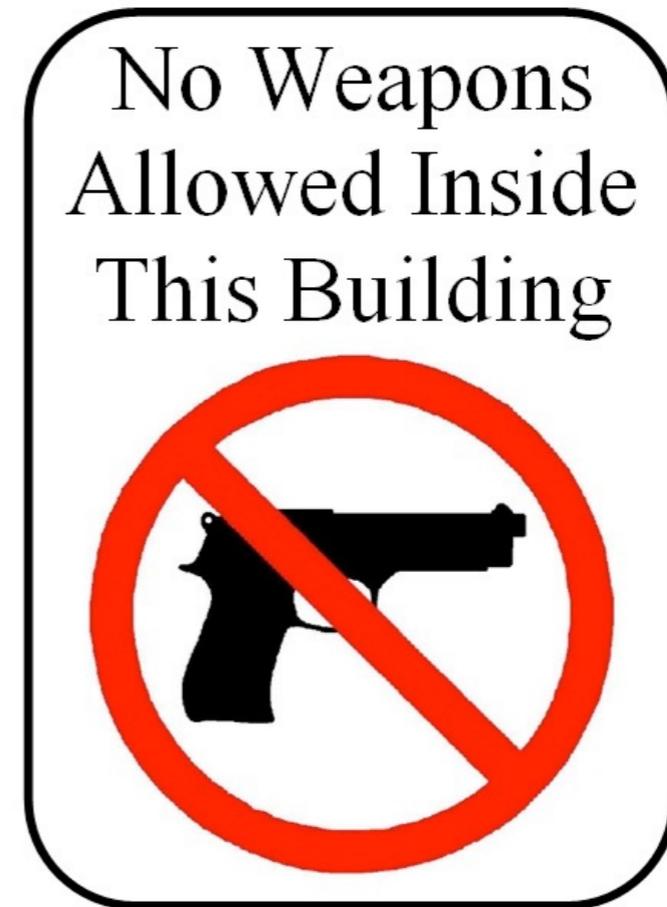
You must post a sign that is clearly visible from the outside of the building. It must be at least 8 inches wide and at least 12 inches tall. It must state "NO CONCEALABLE WEAPONS ALLOWED" in black one-inch tall uppercase letters at the bottom of the sign and centered between the lateral edges of the sign. It must show 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 (think Ghostbusters). It must be placed between 40 and 60 inches from the bottom of the building's entrance door. If the place doesn't have doors, then check with a lawyer to make sure the size and other requirements are met.

The sign below **WOULD NOT** meet the requirements of South Carolina law because: (1) the text is at the top instead of the bottom; (2) the text isn't uppercase; and (3) the sign doesn't state "NO CONCEALABLE WEAPONS ALLOWED."

A persons who brings a concealable weapon onto the premises or work place that properly posts a "NO CONCEALABLE WEAPONS ALLOWED" sign may be charged with a violation of Section 16-11-620 (criminal trespass) for a first offense resulting in a \$200 fine or 30 days in jail. Additionally, a second or a third offense may result in having the person's permit revoked for a period of one year.

GETTING A CWP

To obtain a Concealed Weapons Permit (CWP) in South Carolina, you must meet the following requirements:



1. Be twenty-one (21) years of age;

2. Have a driver's license or photographic identification card;
3. Be a resident of South Carolina or own real property in South Carolina;
4. Have vision rated at 20/40 or better, or possess a driver's license;
5. Submit to the training course given by a certified concealed weapons permit instructor;
6. Not be prohibited from possessing or owning a firearm under state or federal law; and
7. Submit a set of fingerprints.

Resident aliens must provide a copy of their alien card from the Department of Homeland Security. Qualified nonresident applicants must submit a completed Real Property Tax Form (SLED Form R- 168).

The application can be found on SLED's website: <http://www.sled.sc.gov/documents/CWPApplicationForm.pdf>.

After you submit your application, SLED will conduct a background check and fingerprint review. The sheriff of the county where you live will have 10 business days after SLED notifies the sheriff to make a recommendation on the application. If the sheriff doesn't respond to SLED within 10 days, then you are deemed to have had a favorable recommendation. You should find out within 90 days whether SLED will issue your CWP.

CWP TRAINING

Many people ensure that they meet the training course requirements by taking the course from a certified SLED instructor and submitting the application within this same process. Many courses not only offer the training, but help you to submit the application and include the application fee in the payment for the course. The requirements of the course are:

1. It was taken within 3 years of submitting the application.
2. The course is offered by a state, county, or municipal law enforcement agency, or a nationally recognized organization that promotes gun safety, or an instructor certified by SLED.
3. The course educates on the law relating to handguns and the use of deadly force, information on gun safety, information on safe storage of guns and preventing injuries to children.
4. It includes the actual firing of a handgun.

Some people don't have to go through the entire process. These people include certain active or former military, certain retired law enforcement officers, instructors certified by the NRA or SLED-approved organizations, active duty police handgun instructors, and people who have SLED-certified competitive handgun shooting classifications.

DURATION OF A CWP

A CWP is good for 5 years after which time it must be renewed through SLED.

DENIAL OF A CWP

You have the right to appeal the decision to deny you a CWP. To do so, you may want to consider hiring an attorney. Whether or not you hire an attorney, the process begins by submitting the basis for the appeal in writing to the Chief of SLED within 30 days from the date the denial notice is received. You should receive the Chief's decision on this first level of appeal within 10 days. If the Chief decides to deny your application, you can request a hearing before the South Carolina Administrative Law Court (ALC), but you must do so within 30 days from the date of delivery of the Chief's decision.

REVOCAION OF A CWP

Your permit may be revoked if:

1. You become prohibited under state or federal law from possessing a weapon;
2. You move to another state (or if you are a non-resident, you no longer own real property in South Carolina);
3. You voluntarily surrender the permit; or

4. You are charged with an offense that, if found guilty, would prohibit you from possessing or owning a firearm.

If your CWP is revoked under #4, you can get it back if you're acquitted (found not guilty) of the charge or the charge is dismissed. Also, in certain instances, if you can get a conviction expunged or pardoned, you might be able to get your permit back.

If you receive notice of revocation, you must surrender your permit to a sheriff, police department, SLED agent, or by certified mail to the Chief of SLED. If you don't surrender your permit, you can be charged with a misdemeanor.

Carrying a Handgun Without a CWP

IN THIS SECTION

1. Weapons in Vehicles
2. Weapons in Businesses
3. Hunting
4. Weapons in Another's Home
5. Going from One Place to Another
6. Exceptions to Unlawful Carrying of a Handgun

WEAPONS IN VEHICLES

If you don't have a CWP, you may carry a handgun in a vehicle if 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 exception is that you can't bring the gun to a school or college of any kind.

Under Section 16-23-10, a 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, truck, or sport utility vehicle, the term 'luggage compartment' refers to the area behind the rearmost seat."

It is a little unclear what the South Carolina legislature meant when they used the term "integral fastener," so to be safe, we suggest that any container used to transport a handgun be something that is lockable and that snaps or latches closed. A shoebox wouldn't qualify.

The term "luggage compartment" is tricky as well, but the law provides definitions. It means the trunk if the car has a trunk. If the car doesn't have a trunk, it means "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.

If you’re riding a motorcycle, you must secure the handgun in a closed saddlebag or other similar closed accessory container.

Under no circumstance can you carry the gun under the seat, in your pocket, or anywhere not specifically mentioned above.

WEAPONS IN BUSINESSES

If you are a business owner or the person in control of a business, you may carry a handgun at your business without a CWP. If you are an employee, you may do so **ONLY IF** you have a concealed weapons permit **AND** you have permission of the owner.

IMPORTANT

Section 23-31-230 provides that “any person may carry a concealable weapon from their automobile to a hotel room that person has rented.” However, Section 45-2-60(4) provides that “an innkeeper (hotels and motels) may eject you from the premises if he or she reasonably believes that you have brought a firearm or other dangerous items onto the premises.” When in doubt, check with the front desk about the motel’s or hotel’s policy before taking your gun to your room.

WEAPONS IN ANOTHER’S HOME

You may carry a handgun in your home or another person’s home **ONLY IF** you have the permission of the owner or the person in legal possession of the property.

GOING FROM ONE PLACE TO ANOTHER

The handgun must be unloaded and in a secure wrapper and you must go directly from the building to your car or from your car to the building. Section 16-23-20 doesn’t define the meaning of a “secure wrapper.” To err on the side of caution, we recommend that the weapon be secured in a locked handgun case or similar item.

EXCEPTIONS TO UNLAWFUL CARRYING OF A HANDGUN

Under Section 16-23-20, is unlawful for anyone to carry about their 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 (unless the person is a CWP holder, in which case the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment;

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.

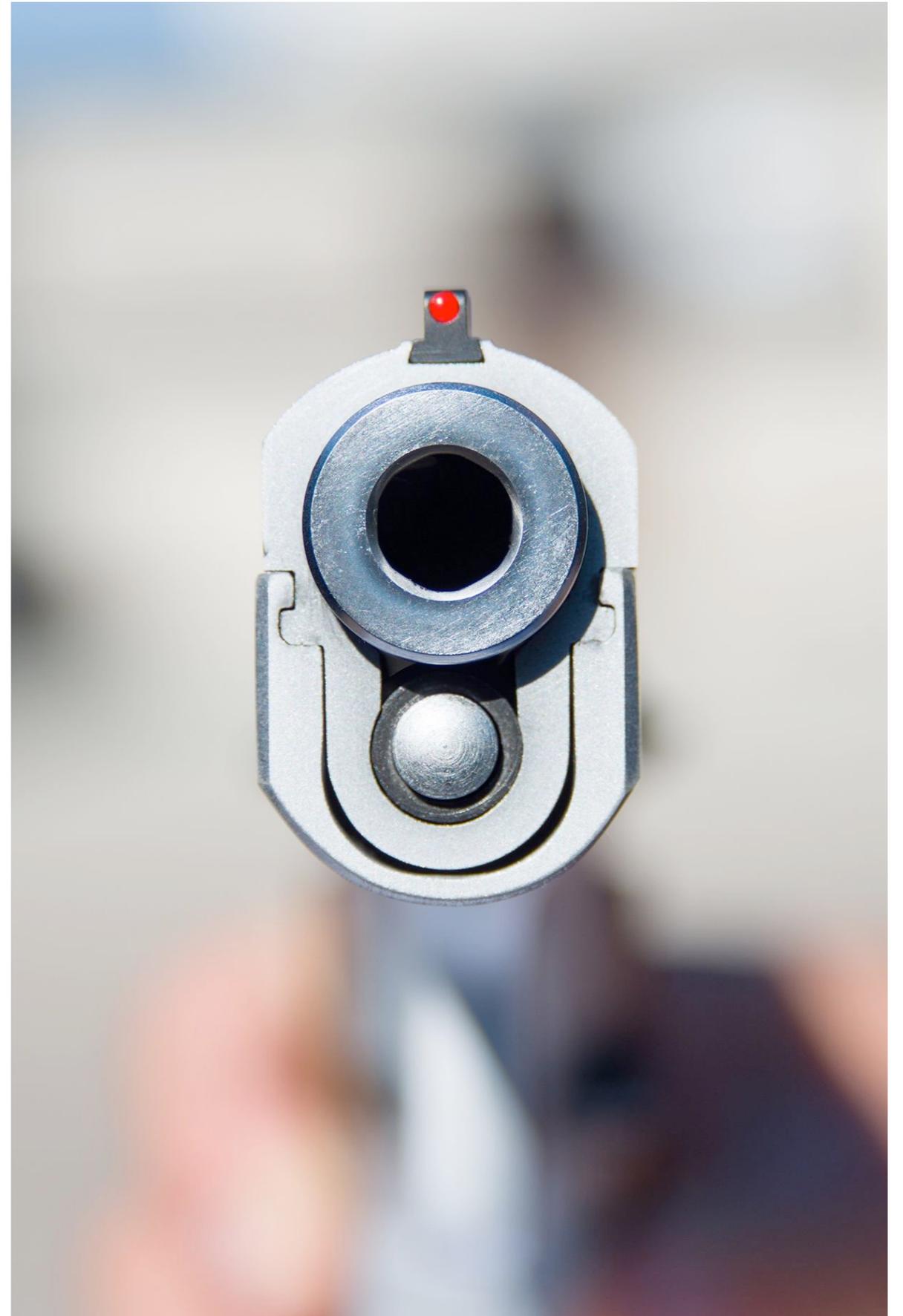
Need More Information on South Carolina's Motorcycle Laws?



**[CLICK HERE to download our free eBook
“Motorcycle Laws in
South Carolina - Piecing It All Together.”](#)**

Stand Your Ground Law

In the past, South Carolina imposed a “duty to retreat” on people who were threatened before they were justified in using force against an attacker. This meant they had to try to get away before they could legally fight back. However, this duty had an exception called the “Castle Doctrine” where someone was not required to retreat in their own home.



Now, the law in South Carolina is Sections 16-11-410 through 450 of the South Carolina Code of Laws. Due to the television exposure of the Zimmerman case and a few other high-profile cases, many throughout the United States refer to laws like South Carolina's Protection of Persons and Property Act as the "Stand Your Ground" law.

Protections Under "Stand Your Ground" in a Home or Vehicle

According to the Protection of Persons and Property Act (PPPA), a person has the ability to protect himself or herself, even through the use of deadly force, if someone else is unlawfully and forcefully entering a dwelling, a residence, or an occupied vehicle, or if someone is removing or attempting to remove another person against his will from a dwelling, residence, or occupied vehicle. A reading of the current law doesn't appear to require it to be YOUR residence or vehicle, so long as you were invited to be in the home or vehicle by the owner or person living there.

A "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.

The PPPA DOESN'T apply if:

- The "intruder" has a right to be in the home or occupied vehicle, such as being a resident, an owner, a tenant, or a

titleholder to the property or the vehicle. We caution you that if you invited this person into your home, and then later kick them out, you may not be entitled to protection under the law. On May 7, 2014, the South Carolina Court of Appeals issued an opinion in *State v. Manning* which stated that "Stand Your Ground" does not apply if the person was invited into your home. If you shoot someone and go to trial, the jury may still be told that they can consider other defenses, such as the old Castle Doctrine Law or the law of self-defense, but immunity under the "Stand Your Ground" statute is out.

- The person being removed from the home or vehicle is a child, grandchild, or person under lawful guardianship of the "intruder."
- You are engaged in unlawful activity or using the home or vehicle in furtherance of unlawful activity. The law does not define "unlawful activity." However, if you were conducting a drug deal in your house when the incident occurs, you are probably not protected by the statute.
- The "intruder" is a law enforcement officer performing his duties, so long as the person defending himself knew or reasonably should have known it was a police officer.

Protections Under "Stand Your Ground" Outside of a Home or Vehicle

The protections of "Stand Your Ground" extend outside of a home and vehicle also. If you aren't engaged in unlawful

activity, and you are attacked, you can “stand your ground” and meet the attack with force, including deadly force, if you reasonably believe that your force is necessary to protect you or someone else from death or great bodily injury or to prevent the commission of a violent crime. You don’t have a duty to retreat. This protection applies in public, such as on a sidewalk or at the mall, or at your business.

Distinguishing Between “In a Home or Vehicle” vs. “In Public or at Your Business”

In reading the law, the main distinction we see is that if you are in a home or vehicle, you don’t have to be attacked. It’s enough that someone is trying to break in. However, if you are walking down the street or in your business, the law requires you to actually be attacked or on the verge of being attacked. South Carolina’s appellate courts haven’t yet answered this question for sure.

Protection in Court

Essentially, the “Stand Your Ground” law is a defense in court if you were ever prosecuted for harming or killing someone else. You have to establish the defense. There is no guarantee, and each case will be looked at separately. However, if you were charged with something like assault, assault and battery with intent to kill, murder, or manslaughter, and you believed you were defending yourself, you can assert the “Stand Your Ground” defense. The judge would review the case before trial, and if the judge decides by a preponderance of the evidence that you have established the defense, then the

whole case gets thrown out. If the judge doesn’t throw the case out, you can still argue “self defense” to the jury. These protections also extend to civil court in case you were sued for any harm caused in defending yourself.

Urban Myths

We’ve had many people ask us if a couple of things are true. First, we have been asked by gun owners, “If I shoot someone on my front porch, I should drag them inside before the cops get there, right?” Our answer is “No!” Maybe that had a chance at working 100 years ago, but with modern-day forensics, it is very likely that due to body fluids, ballistics, and other evidence, they will figure out what actually happened. Then, your motives will be questioned. Also, under today’s law, if you truly believe someone is about to forcefully enter your home, even if they haven’t done so, the “Stand Your Ground” protections may apply even on your front porch. You might be able to argue that you were being attacked or that the person was about to forcefully enter the home. If you were in your front yard or down the street, it will be harder to convince the judge that the person was about to break in, which will leave you having to show that you were protecting yourself or someone else from death or great bodily injury.

Another thing people have asked is that if someone breaks into their home, and they shoot that person, should they shoot a few more times into the wall? The premise behind this is that by making it look like you missed some shots before

hitting one or two, people think you can argue that you were truly nervous and in fear. Again, you never know what forensics might discover. Also, if you are ever in that situation, between your fear, your adrenaline, and many other emotions, trying to worry about whether to shoot the wall a few times is probably the least of your worries. Just use your head, evaluate the situation, and handle it as you think best based upon what you see and hear at the time. There are no bright line rules to these situations.

We do recommend that if you are a gun owner, you basically do a “fire drill” with those in your home so that they know what you, the gun owner, intend to do if you hear someone in your house in the middle of the night. Where do you intend to position yourself? What should others in your home do or where should they hide? Is it better for them to try to call the police or lay low? Only you know the layout of your home and the maturity and experience of those living with you. Use your common sense and make a safety plan. And keep those guns out of kids’ reach!

Use of Deadly Force

Even where the Protection of Persons and Property Act doesn't apply, South Carolina law recognizes the use of deadly force in self-defense and protecting others.



Defending Yourself

You have a right to defend yourself in South Carolina, including using a weapon such as a handgun, if:

1. You're 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; and
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.

Defending Others

South Carolina recognizes the “alter-ego” rule with respect to the defense of any relative, friend, or bystander. If you intervene on behalf of another, you won't 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.

It's Not a “Right”

The important thing to note about the use of deadly force in self-defense or defense of others is that it isn't a RIGHT. Rather, it is a legal defense if you are charged with killing or injuring someone. If you are facing criminal charges for harming someone else, and the 4 factors above are involved, then it would be up to a judge or jury to decide whether your actions were lawful. If you ever find yourself in a dangerous situation outside of your home, a dwelling, or a vehicle, try to evade the other person if at all possible before resorting to deadly force.

Where You May Legally Shoot

Shooting weapons makes noise, and noise may be considered by neighbors and others to be a “nuisance” that interferes with their ability to quietly enjoy their own property. So, to avoid being sued for creating a “nuisance,” you should be aware of the state and your local laws regarding where you may shoot.



Municipalities

Many municipalities (incorporated cities and towns) have laws that ban the discharge of firearms in the city's limits. So, it is important that you review your local city and county laws regarding the firing of guns.

For example, the City of Charleston bans firing a gun EXCEPT for urgent necessities, at indoor shooting ranges that are zoned and permitted for the use, during limited types of bird hunting, firing at marksmanship centers for certain military operations, and special events such as turkey shoots that have been approved by the Mayor. Charleston County, on the other hand, doesn't have the same prohibitions, so target shooters and hunters find themselves going outside of the city limits into more rural places, such as on a friend's property.

To review the city and county codes in South Carolina, visit <https://www.municode.com/library/sc>.

Nuisance

Still, the noise created by shooting can be considered a "nuisance" and may subject the shooter to civil liability to neighbors or criminal liability under a city or county noise ordinance. So, you should either make sure that you're firing at a sufficient distance from your neighbors or get their permission. Even so, be respectful of your neighbors and consider the frequency of your shooting, even if the neighbor gives permission. Legal places to shoot are limited; so don't ruin whatever good will you have with your neighbors.

Overall, your best bet is to shoot on rural land outside of any town limits where you won't disrupt your neighbors or to shoot at a gun range.

South Carolina Shooting Range Protection Act

Under the South Carolina Shooting Range Protection Act (SCSRPA), certain places are exempt from the laws regarding noise and nuisance violations. Under the SCSRPA, a "shooting range" or "range" means an area that is:

- (a) designated, utilized, and operated by a person for the firing of firearms; where
- (b) the firing of firearms is the usual, regular, and primary activity occurring in the area; and where
- (c) the improvements, size, geography, and vegetation of the area are such that a projectile discharged from a firearm at a target would not reasonably be expected to escape its boundaries by virtue of the trajectory of the projectile, or by virtue of a backstop, berm, bullet trap, impact barrier, or similar device designed to prevent the escape of such projectiles.

A person, such as a neighbor, can't sue the range, its owner, its operator, or its users for any "nuisance" for noise if the shooting range was established ON OR BEFORE the date the person acquired their property. If there is a substantial change in the range's use AFTER the person acquires the property, then the person may maintain a nuisance action if the action

is brought within three years from the beginning of the substantial change in the range's use.

Substantial change means that "the current primary use of the range no longer represents the activity previously engaged in at the range."

A person who owns property in the vicinity of a shooting range that was established AFTER the person acquired their property can bring a nuisance lawsuit against that shooting range, its owners, its operators, or its users if the lawsuit is brought within five years after the range was established or three years after a substantial change in the range's use.

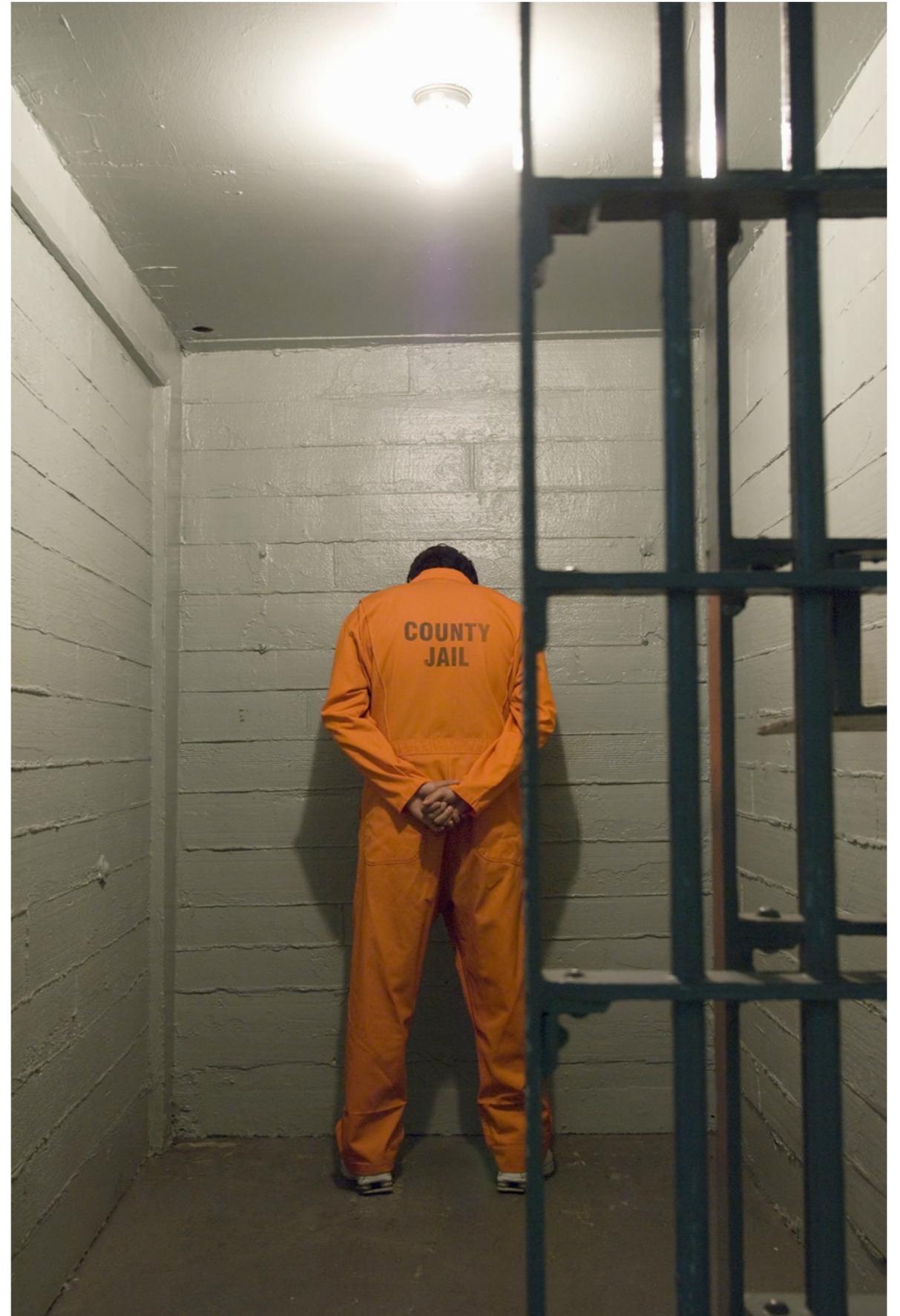
If there has been no shooting activity at a range for three years, then any resumption of shooting is considered to be a new establishment.

A county, municipal, or state noise control ordinance, rule, or regulation can't be applied to require a shooting range to limit or eliminate shooting activities that have occurred on a regular basis before January 1, 2000. Also, a county, municipal, or state noise control ordinance, rule, or regulation can't be applied to a shooting range that was in compliance with a noise control ordinance in effect when the range was established, provided there is no substantial change in the range's use after its initial compliance with the older ordinances.

Lastly, a county, municipal, or state noise control ordinance, rule, or regulation can't be applied to a shooting range that existed before the enactment of a noise control ordinance, rule, or regulation, provided there is no substantial change in the use of the range.

Common Crimes & Penalties

Sometimes, law-abiding, gun-owning citizens find themselves charged with a crime because they weren't aware of the law. A common scenario is where a person puts a handgun under his or her seat and then gets stopped for speeding. For this reason, it is important for gun owners to know common weapons-related crimes and the possible penalties.



Below is a list of various crimes under state and federal law that relate to hand guns and other weapons. This list is intended to be for summary purposes and doesn't contain every gun-related crime. Instead, it includes some of the more common gun- and weapon-related crimes in South Carolina under state and federal law.

Unlawful carrying of a handgun

There are several statutes in South Carolina that make it illegal to unlawfully possess a handgun. The penalties differ, however, depending on why the possession is illegal:

- If the person is lawfully allowed to own a handgun but is carrying one illegally, then a conviction for unlawfully carrying the handgun will be a misdemeanor and the person can be sentenced up to one year in jail or fined up to \$1,000, or both.
- If the person can't possess a handgun because he or she was convicted of a "violent" crime as defined by South Carolina law, then a conviction for unlawfully carrying of a firearm will be a felony carrying up to five years in jail, a fine up to \$2,000, or both.
- If the person can't possess a handgun because he or she is a fugitive from justice, is a habitual drunkard, has been declared mentally incompetent by a court, is a member of a subversive organization, is under the age of 18 (unless under the immediate supervision of a parent or adult instructor), or has been declared unfit to carry or possess a gun, then a

conviction for unlawfully carrying a firearm will be a felony carrying up to five years in jail, a fine up to \$2,000, or both.

- If the person can't possess a handgun because he or she is an illegal alien, then a conviction for unlawful carrying of a firearm will be a felony carrying up to ten years in jail, a fine up to \$10,000, or both. If a person sells or gives a gun to an illegal alien, that person can be convicted of a misdemeanor and sentenced up to three years, fined up to \$2,000, or both.
- If the person can't possess a handgun because he or she is prohibited by federal law from owning a gun and federal charges are brought, then a conviction of the federal charges will be a felony and the person can receive up to 10 years in prison. The sentence can be much longer depending on the person's criminal record.
- If a person gives or sells a gun to a person prohibited by federal law from owning a gun, the person giving or selling the gun can be convicted of a felony and be sentenced up to 10 years.

Possession of a firearm during the commission of a violent crime

If a person is convicted of possessing a firearm or visibly displaying a knife during the commission of a violent crime, that person will be sentenced for 5 years. The sentence cannot be reduced and is not subject to parole or early release.

Possession of sawed-off shotguns, sawed-off rifles, machine guns, and military firearms

A person convicted of transporting, possessing, or selling a machine gun, military firearm, sawed-off shotgun, or sawed-off rifle, is guilty of a felony and can be sentenced up to 10 years, fined up to \$10,000, or both. There might be an exception if the firearm is found to be an “antique.”

A sawed-off shotgun means the barrel is less than 18 inches in length or the entire gun is less than 26 inches in length. A sawed-off rifle means the the barrel is less than 16 inches in length or the entire gun is less than 26 inches in length.

Pointing a firearm at a person

A person convicted of pointing a firearm at another person, whether loaded or not, is guilty of a felony and can be sentenced up to five years or fined in the court’s discretion. However, self-defense may apply.

Possession of firearm on school property

A person convicted of bringing a firearm of any kind on school grounds is guilty of a felony and can be sentenced up to five years, fined up to \$5,000, or both. A concealed weapons permit holder may bring a weapon on to school grounds if he or she keeps the gun inside the glove box, console, closed trunk, or closed lockable container in the luggage compartment, so long as the vehicle is attended or locked.

Carrying other weapons on school property

A person convicted of bringing other types of weapons on school grounds is guilty of a felony and can be sentenced up to five years, fined up to \$1,000, or both. These weapons are objects that can be used to inflict bodily injury or death, such as knives with blades over 2 inches long, blackjacks, metal pipes or poles, or firearms.

Discharging firearms at buildings or vehicles

A person convicted of discharging a firearm at a building, structure, vehicle, boat, or aircraft is guilty of a felony and can be sentenced up to 10 years, fined up to \$1,000, or both.

Placing spring guns

A person convicted of setting a trap gun, spring gun, or similar device is guilty of a misdemeanor and can be sentenced between 30 days and one year, fined, or both.

Carrying a deadly weapon

If a person carries a concealed deadly weapon other than a handgun and is convicted of doing so, the person is guilty of a misdemeanor and will be imprisoned between 30 and 90 days or fined up to \$500. This law does not apply to rifles, shotguns, slingshots, metal knuckles, knives, or razors unless they are used or intended to be used in a crime.

Carrying a firearm into a place that serves alcohol for consumption

A person convicted of carrying a firearm into a place that serves alcohol for consumption is guilty of a misdemeanor and can be sentenced up to two years, fined up to \$2,000, or both. A CWP holder can carry a firearm into this type of business so long as the CWP holder is not consuming alcohol and so long as the bar or restaurant doesn't have a "No Concealed Weapons" sign.

Carrying a firearm into a place that posted a "No Concealed Weapons" sign

A person convicted of carrying a firearm into a place that posted a "NO CONCEALED WEAPONS" sign is guilty of a misdemeanor and can be sentenced up to two years, fined up to \$2,000, or both.

Refusing to leave a business after being asked

A person convicted of refusing to leave a business with a concealed weapon after being asked by the owner or operator of the business is guilty of a misdemeanor and can be sentenced up to two years, fined up to \$2,000, or both.

Using a firearm in the commission of a "violent crime under federal law" or a "drug crime under federal law"

A person convicted of using a firearm while committing a federal violent crime or a federal drug crime is guilty of a

felony and may receive at least 5 years and up to life in prison in addition to the sentence proscribed for the underlying crime.

Giving or selling a gun to a juvenile

A person convicted of giving or selling a gun to a juvenile can be sentenced up to one year. If the person believed the juvenile would commit a crime of violence with the gun, the penalty can be up to 10 years, possibly more if the Feds can prove you were part of a conspiracy.

Resisting arrest while carrying a deadly weapon

A person who is convicted of resisting arrest while using or threatening the use of a deadly weapon is guilty of a felony and will be imprisoned between two and 10 years.

Shooting While Under the Influence

If a police officer has probable cause to believe you're shooting under the influence, the officer can make you submit to a breath, blood, and/or urine test to determine whether you are under the influence. You can refuse this test, but your refusal can be used against you in court. If the officer doesn't offer you a blood alcohol test, you can request a breath or urine test if you'd like to attempt to prove your innocence. If the officer denies your request, the law says they can't prosecute you. Even if the officer offers you a test and you take the test, you can still ask for your own independent test at your expense.

If your blood alcohol content is .05 or less, it is conclusively presumed you are not under the influence of alcohol. If your blood alcohol content is .08 or more, the jury can make an inference that you were under the influence.

A person convicted of shooting while under the influence of drugs or alcohol is guilty of a misdemeanor and can be jailed up to 2 years or fined at least \$2,000.

Accidentally Bringing a Gun through Airport Security

Unfortunately, when people are traveling, they sometimes forget that they've left a handgun or other weapon in their carry-on luggage. If this happens to you, then you'll receive notice of a "civil" penalty from the Transportation Security Administration (TSA).



Traveling with Firearms

If you're traveling on an airline, you may only transport UNLOADED firearms in a locked, hard-sided container in checked baggage. The container must be completely secure from access. Also, you can't have realistic replicas of firearms in your carry-on bags; those must be packed in checked baggage.

You can't have firearms, ammunition or firearm parts, including firearm frames, receivers, clips and magazines, in your carry-on baggage. However, you can have a rifle scope in your carry-on or checked bags.

Federal Law

49 C.F.R. Section 1540.111(a) of the Transportation Security Regulations (TSR) provides that you can't have a weapon, explosive, or incendiary on or about your person or accessible property when performance has begun of the inspection of you or your accessible property before entering a sterile area, or before boarding an aircraft. For practical purposes, once you've entered the screening process, you can't "back out," and the "damage" is done.

TSA Notice of Violation

If you violate 49 C.F.R. Section 1540.111(a), you'll receive a notice from the Transportation Security Administration (TSA) of a "civil" penalty. The Notice will state that the TSA proposes a civil penalty in an amount that doesn't exceed

\$5,000 for a violation of the Transportation Security Regulations (TSR). Also, the Notice will state that you can pay a lesser amount that is specified in the Notice. However, if you can't reach an agreement with the TSA concerning the amount of your penalty or if you ignore the Notice, then the TSA will issue a Final Notice of Violation and a Civil Penalty Assessment Order, typically for the full penalty.

Factors the TSA Considers in Determining a Penalty

In determining the amount of the civil penalty, the TSA considers **aggravating factors** including:

- Artful concealment;
- Number of weapons, or volume of explosives and incendiaries;
- Type of weapon, explosive or incendiary;
- Display or use of weapon, explosive or incendiary;
- Past violation history;
- Violator's experience level (e.g., airport/air carrier employees are trained and experienced).;
- Evidence of intent to interfere with operations (e.g., testing the system with a prohibited item, attempting to enter sterile area with prohibited item after previously being allowed to leave in order to divest); and
- The violator's attitude.

The TSA will also consider **mitigating factors** such as:

- Disclosure by violator;
- Inexperienced flyer;
- Violator is a juvenile; and
- Other penalties assessed by federal, state, or local law enforcement.

Responding to a TSA Notice of Violation

You have 30 days to respond to the Notice of Violation. You can respond according to several options that are detailed in the Notice:

1. You can submit a certified check or money order for the lesser specified penalty amount in the Notice of Violation, made payable to Transportation Security Administration and sent to the address specified in the Notice of Violation, or make such payment electronically through <http://www.pay.gov>.
2. You can submit to the office identified in the Notice of Violation one of the following:
 - Written information and other evidence, including documents and witness statements, demonstrating that you didn't violate the regulations or that the proposed penalty isn't warranted by the circumstances.

- A written request to reduce the proposed civil penalty, the amount of requested reduction, together with any documents supporting a reduction of the proposed civil penalty, which reflect a current financial inability to pay or records showing that payment of the proposed civil penalty would prevent you from continuing in business.
- A written request for an Informal Conference, at a date to be determined by an agency official, to discuss the matter with the agency official and to submit supporting evidence and information to the agency official before the date of the Informal Conference.

3. You can submit to the office identified in the Notice of Violation and to TSA's Enforcement Docket Clerk a written request for a formal hearing before an Administrative Law Judge.

Negotiating the Civil Penalty

For many persons, the proposed penalty (typically \$1,000.00 or more) is too steep for their financial situation. The good news is that in our experience helping clients, we've found that the TSA will act fairly in negotiating the fine and will oftentimes reduce it.

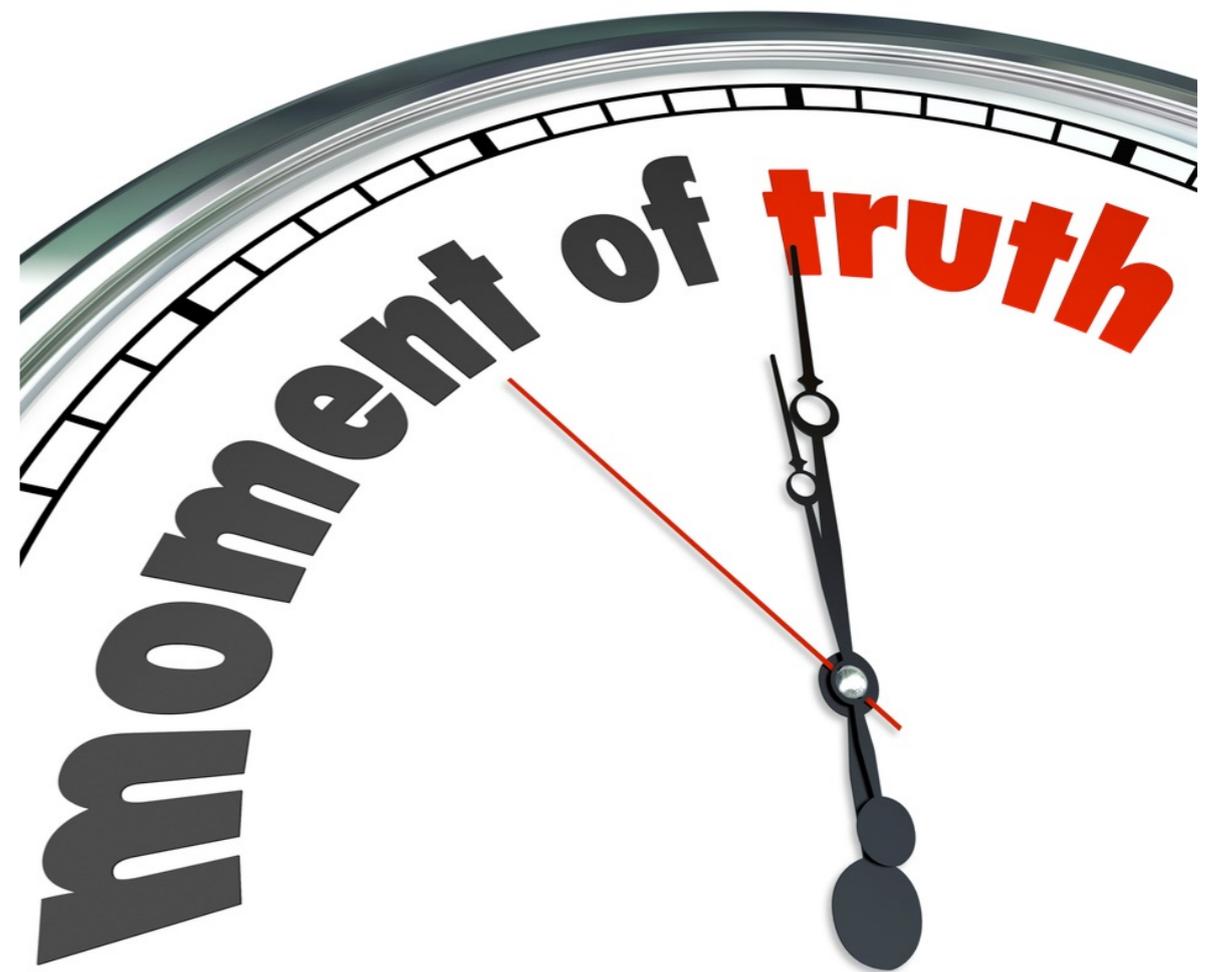
Other Consequences

If you violate 49 C.F.R. Section 1540.111(a), you won't be placed on a "no-fly" list. Also, according to the TSA, you won't be singled out for additional screens. However, if you're a frequent flyer who is part of the TSA Pre-Check Program, your privileges will be suspended by the TSA. Your TSA Notice of Violation won't state how long your privileges will be suspended, so you'll need to contact the TSA at 1-866-289-9673 to find out about the duration of your suspension.

Also, as discussed in Chapter 2.1, there may be state and federal criminal charges for bringing a concealed weapon into a South Carolina airport. For example, Section 16-11-620 states that if you have a CWP and you bring a concealable weapon where the premises posts a "NO CONCEALABLE WEAPONS ALLOWED" sign, you may be charged with criminal trespass. A first offense may result in a \$200 fine or 30 days in jail. If you get a second or a third offense for criminal trespass, in addition to fines and jail, your CWP may be revoked for one year.

If You're Going to Court

Hopefully you'll never be in the position of having to go to court to defend yourself for a violation of South Carolina's gun laws. However, if you do, you need to understand what the prosecution is trying to do and to know the best means of sharing the truth while you're on the witness stand.



Preparing for & Attending Court

IN THIS SECTION

1. Before You Go to Court
2. Dressing for Court
3. What to Bring & Not to Bring to Court
4. Arrive Early to Court
5. How to Behave in and Around the Courthouse
6. How to Speak to the Judge

For most persons, court can be an intimidating experience. Here are some pointers for anyone who has to go to court in South Carolina.

1. BEFORE YOU GO TO COURT

Try to get a good night's rest before you go to court. Furthermore, most courts don't allow food or drink, but they do have water fountains. Don't go on an empty stomach. When you are tired, hungry, or thirsty, you aren't at your best!

2. DRESSING FOR COURT

Dress properly and conservatively for each court hearing. Dress "business casual" or "dress like you are going to church." Failure to dress appropriately could result in your case being continued or you being excluded from the courtroom during the case. The judge hearing your case will associate your attire with the level of respect you are giving to the court.

Women should wear dresses which are knee length or longer or tailored slacks and a blouse. Men should wear tailored slacks and a shirt with a collar. Clothing should be clean.

Some examples of clothing that are *not* allowed include baseball caps, sleeveless tops, halter tops, backless dresses, low cuts dresses, miniskirts, shorts, blue jeans, t-shirts, flip-flops, and sandals. Tuck in your shirt.

Remove any piercings other than one pair of ear rings for women, covering any tattoos if possible, and having a conservative hair style and color. Even if you feel these things represent a particular belief or who you are, remember that you are presenting in front of a judge who may be deciding your fate. A “middle-of-the-road” appearance will minimize the chance of offending the court or jeopardizing your credibility. While most people don’t like being “judged,” that is exactly what going to court is all about.

3. WHAT TO BRING & NOT TO BRING TO COURT

Bring your entire file, which includes every document, CD-ROM, or thumb drive that relates to your case. You never know what could happen, and it’s best to be prepared. Even if you have a lawyer, some portion of your lawyer’s file may have accidentally stayed on his or her desk at the office, and you can actually save the day by having a copy of some document handy.

In some counties, you aren’t allowed to bring your cell phone, so it’s best to just leave it in your car if you’re unsure. If you’re allowed to have your phone, turn it off or put it on silent! If your cell phone goes off in the courtroom, the judge can take your phone and can possibly hold you in contempt (put you in jail). In fact, one Charleston County judge made the local headlines by putting a participant in a holding cell because her phone rang during court. At a minimum, the judge may take a ringing cell phone as a sign of disrespect.

For security reasons, you can’t bring any knives, scissors, nail files, tweezers, or other sharp objects into court. Also, you can’t bring in any mace.

You can bring a friend or a family member for moral support if it would make you more comfortable. Although this person won’t be able to sit at the table with you, he or she will at least be there in the courtroom to talk to you before and after.

4. ARRIVE EARLY TO COURT

The court won’t wait on you if you’re late. Talk to court staff upon arrival to make sure you’re in the right place and waiting outside of the right courtroom.

Another advantage of arriving early is that you’re able to sit down, to relax, and to gather your thoughts as you wait on your hearing. You’re more likely to present well in court if you walk inside in a relaxed state than if you’re running down the hallway trying to make your hearing on time.

5. HOW TO BEHAVE IN AND AROUND THE COURTHOUSE

You may find yourself waiting in a hallway outside of the courtroom. Be aware that people around you could be lawyers, witnesses, jurors, or others involved in your case. Don’t talk about your case because you never know who might overhear you. Also, don’t “cut up” or joke around (as many nervous people will do) as it could give someone a bad impression of you.

Even when parking your car, be polite and let other cars in front of you. Don't cut people off or exhibit frustration towards other drivers. You never know when your judge is in the other car.

If you find yourself waiting inside of the courtroom, just sit there, watch, and be silent. Judges may take whispering to your neighbor, sleeping, or certain other acts as a sign of disrespect. Your sincerity, or lack thereof, will be noticed. If the judge isn't telling a joke or laughing at a joke from one of the lawyers, you shouldn't be laughing either. Also, don't chew gum in the courtroom.

When your case is up, meaning you and your lawyer are addressing the court, continue to maintain a sincere demeanor at the table even if you don't like what others are saying. We've seen people scolded by judges on numerous occasions for making facial expressions, talking, or shaking their head in protest of what a lawyer or a witness is saying about their case. If you must speak, do it through your lawyer. Showing respect is of utmost importance. If you don't have a lawyer, be very careful of how you make any objections and be sure not to be disruptive to the proceedings.

6. HOW TO SPEAK TO THE JUDGE

Be humble, respectful, and polite. Address the judge as "Your Honor," "Sir," or "Ma'am." Address parties, witnesses, and lawyers as "Mr." or "Ms." I can't emphasize enough – show absolute respect, and it will likely be returned. Don't speak

unless the judge asks you to. Stand up when you speak to the judge unless he or she tells you that you can keep your seat. If the judge cuts you off, let it happen. We've seen numerous instances of people attempting to "talk over" judges, and it doesn't usually go well for that person. We've also seen people penalized by the judge for being too argumentative.

IMPORTANT

One BIG pet peeve of many judges is when a witness doesn't directly answer the question asked. If the question calls for a "yes" or "no" answer, don't beat around the bush. Answer yes or no. If you feel that your answer needs some explanation, first answer the question and then explain it.

You as a Witness

IN THIS SECTION

1. What the Prosecutor Is Trying To Do
2. How the Prosecutor Will Do It
3. Golden Rules of Testifying

1. WHAT THE PROSECUTOR IS TRYING TO DO

The prosecutor's goal on cross-examination is threefold:

1. To establish facts favorable to the state through defense witnesses;
2. To discredit your testimony through other evidence or other witnesses; and
3. To discredit your witnesses' through their own testimony.

2. HOW THE PROSECUTOR WILL DO IT

Filling in the Gaps - Generally, the prosecutor's case is made up of sketchy information from a few witnesses. The prosecutor will try to fill in the gaps in the case by using your testimony and the testimony of your witnesses to establish facts favorable to the prosecution.

Prior Inconsistent Statements - You must understand what a prior inconsistent statement is, how it is used, why it is used, and what to do when faced with one. Ideally, prior inconsistent statements are best explained away by simple testimony that a subsequent answer is based on more information and a better understanding of the facts and law.

Memory - Witnesses will never remember all details. The prosecutor may ask specific questions about details. Some will be irrelevant except to show that our witnesses' memories are not as great as you want the jury to believe. Some questions

are designed to set your witnesses up to disagree with each other. Others are to elicit from your witnesses favorable facts, i.e., those which reinforce the police officer's testimony or fill in gaps in the state's case. Finally, if you remember too many details or the witnesses remember all the same details, the prosecutor can argue that it is unnatural to remember so much and it was likely made up.

Bias - You, as an accused, obviously have something to lose. Friends, relatives, and loved ones will be willing to help you. The prosecutor will attempt to insinuate that you and your witnesses are willing to lie (perjure themselves) to help you. Unprepared witnesses can be caught off guard with questions of this nature.

Some typical reactions of unprepared witnesses on which the prosecutor can capitalize on include:

- **The reluctant witness:** A nervous or overcautious witness may too often repeat phrases, such as "Please repeat your question," or "I don't understand your question," or "as best as I can recall." These phrases are common stalling devices to allow the witness time to formulate a well-reasoned response to a difficult or a tricky question and make the witness appear too cautious and less truthful. If you know what to expect and what types of questions the prosecutor will ask, there will be minimal need to clarify questions, and you won't have to hesitate and appear reluctant to answer.
- **The volunteering witness:** Not only is this objectionable, it often gives the prosecutor food for more cross-

examination. It's natural to want to explain some answers, but too much explaining may cause the jury to see you or your witnesses as insincere, biased and/or prejudiced. A prepared witness not only knows what to volunteer, but when to do it.

- **The excessively opinionated, hostile, or belligerent witness:** A witness should be prepared to remain firm in his or her position. However, the witness must remain calm, cooperative and seemingly objective. The last thing you want the jury to see is that you or your witnesses aren't objective and reasonable.
- **The "questioning" witness:** Answering a question with a question makes the witness appear sarcastic, insincere, and evasive. The jury will see this as an unwillingness to answer the question. This type of excessively biased witness defeats the purpose of his or her testimony for you because of his or her loss of credibility.
- **The professional witness:** Experts are "hired guns" and have generally been paid to testify. An expert must be properly prepared for testimony.

Prior Convictions - Many witnesses don't have admissible prior convictions. If you have prior convictions, you should bring these to the attention of your lawyer so you can discuss their admissibility and how to handle that issue at trial.

3. GOLDEN RULES OF TESTIFYING

1. Tell the truth.
2. Think about the question asked, then answer it. Don't avoid the question, but do not be afraid to say "I don't know."
3. Ask the prosecutor to clarify the question, if necessary. Remember not to ask repeatedly merely to stall for time.
4. Pause slightly before answering to give your lawyer time to object, if necessary. Silence can be an attention getter, too! Listen carefully to objections. They signify that the question is potentially misleading or that the response can be potentially damaging to your case.
5. Don't argue; remain calm and cooperative.
6. Don't be afraid to say "I don't remember" or "I'm not sure, it has been a long time since then."
7. Don't attempt to "match wits" with the prosecutor.

The Best Answer to Every Legal Question

We've been helping people in South Carolina for many years, and we've been asked THOUSANDS of legal questions. Of course, there's the most important question asked most often by any client – "What are my chances of winning or losing?"



No matter what the legal question might be, here is the BEST ANSWER TO EVERY LEGAL QUESTION. Ready? Here it is:

“IT DEPENDS.”

Disappointed? Please don't be; this is NOT a trick answer or a joke. It truly is the BEST answer that any lawyer can ever give to any client. It's also the most important thing about any case a client needs to understand. Please read on, and we'll explain why:

When Stephan Futeral was a law professor, he'd ask his students questions about different legal problems. Their answers (much like young lawyers' answers to their clients) were always the same – “statute blah blah blah says X, Y, and Z” or “in the case of so and so, the court said A, B, and C.” Technically, their answers may have been correct, but they missed the point. The best answer to any legal question depends on many more things besides statutes or case law. The answer to any legal question, including whether you win or lose, always depends on a combination of the following 5 things: The judge, the jurors, the facts, the client, and the lawyer.

There is Nothing “Absolute” About the Law

Very rarely is the law black or white; it works in shades of gray. The outcome depends on the judge, the jury, the facts, the client, and the lawyer:

1) The Judge – Despite what statutes or higher courts may have to say about the law, judges interpret the law as they see fit. Because judges are human, sometimes they're mistaken about the law. That's why we have higher courts (appellate courts), to correct any mistakes made by the lower courts. On top of that, judges have their own personal views about the cases they hear, the parties and witnesses involved, and so on. Some judges do very little to hide the fact that they don't like certain types of cases such as car accidents. Some judges are known for being very strict when it comes to sentencing anyone convicted of a crime. So, as you can see, the answers to any legal question, and in particular the outcome of a case, depends on who the judge might be.

2) The Jurors – Every juror is unique. Some are rich and some are poor. Some are liberal and some are conservative. The list of differences goes on. In the end, you wind up with a mix of jurors from all walks of life who bring their own personal views into the court room. This too should come as no big surprise – many jurors don't care for lawyers or their clients. From the minute a client walks into the courtroom with their lawyer, it is an uphill challenge for both the lawyer and the client to convince the jurors of their sincerity and the righteousness of the plaintiff's claim. Although the jurors don't decide the law (that's the judge's job) they do decide whether you win or lose.

There is another thing that you should know about jurors. No matter how well-crafted the presentation of your case may be, they're all going to hear and see your case differently. I'll give

you a real world example of how this happens all the time – Hollywood movies. In bringing a movie to the theaters, incredible amounts of time, effort, and money are put into creating a single production. Despite all these efforts, not everybody sees the film the same way. In this example, Some audience members liked it and some didn't. Some laughed at parts that weren't funny and others didn't laugh at all at the punch lines. Some missed parts of the movie by fiddling around with their popcorn or talking to the person next to them. In other words, although the audience all saw and heard the same movie, they all had a different view of it. The same is true for a number of jurors sitting in a box together and listening to the lawyers and their clients present their case. So, as you can see, the answer to the question of whether you win or lose your case depends on who your jurors might be on any given day.

3) The Facts – To prove your case, you must establish the facts. Facts can be documents, witnesses, physical evidence, and all sorts of things. Some of the facts are established by “direct evidence” and some by “circumstantial evidence.” Let's say at trial you are trying to prove to the jurors that it was raining outside. If you took the jurors outside and into the rain, that's “direct evidence” of the fact that its raining. If, instead, you pointed out to the jurors that everyone walking into the courtroom was carrying an umbrella and was dripping wet, that's “circumstantial evidence” that its raining. Unfortunately, many cases are based on circumstantial evidence which makes it more difficult to “connect the dots”

before a judge or jury. Also, if you're proving your facts by other witnesses' testimony, not everyone says the same thing, some don't have a good recollection of events, and some will contradict the testimony of other witnesses. So, when it comes to the important question of whether you win or lose, the answer depends on the facts of the case.

4) The Client – Every client is unique. Some clients are capable of doing a great job of testifying before a judge and jury. Some clients are nervous when they speak in public and need a lot of work to be able to share their story. Some clients are more sympathetic than others. Some clients are well-prepared and well-organized and very helpful to their lawyer. Some clients are not so helpful. The list of differences goes on and on, but the point is that the answers to your questions and the outcome of your case depend on you the client.

5) The Lawyer – The answers you get to your legal questions and the outcome of your case also depends on who you choose as your lawyer. Just like judges do, lawyers differ in their views and their interpretations of the law. So, it's not surprising that when some clients speak to more than one lawyer about their situation and get different answers. Some lawyers tell their clients what they want to hear to make the client feel better. These lawyers aren't necessarily trying to be sneaky or dishonest; they do it out of compassion for the client. But at the end of the day, clients need to hear real, truthful answers from their lawyer and not just the things that are going to make them feel better about their case. As a client, you need to know the positives and the negatives about

your case so you can make the best informed decision about how to move forward such as whether to take your case to trial.

Some lawyers have an excellent understanding of the law, but they're not familiar with judges or juries. Some lawyers are very prepared for court, and some lawyers fly by the seat of their pants (there's no substitute for preparation). Some lawyers, despite all their efforts, just can't seem to connect with judges or jurors. Good trial lawyers must be good storytellers. They must present your case to a judge or a jury, including the facts and the law, in a way that is understandable, compelling, sincere, and convincing. Just like a great, best-selling novel can be ruined by the movie director who brings the book's adaption to the big screen, the wrong lawyer can take the best set of facts and favorable law and turn it into a jumbled mess before a judge or a jury. So, the answers to your legal questions, including whether you win or lose, depend on who you choose as your lawyer.

Final Thoughts

As much as lawyers would love to give their clients a definite answer to all of their questions, the truthful and the BEST answer is – “it depends.” When a lawyer tells you this, that means that the lawyer is considering ALL of the circumstances and not just what is written in a statute or a text book on case law. That's a good thing because, in the end, whatever the answers to your questions might be, it's the results that count.

Your Attorney

“If there were no bad people there would be no good lawyers.”

~ Charles Dickens

If you're in the unfortunate situation of facing a weapons charge, then it is time to give some thought to reviewing and comparing defense lawyers. Choosing from the many available defense attorneys also can be confusing. Here are some suggestions for how to choose the best attorney for you.



Choosing Your Lawyer

IN THIS SECTION

1. Ask Yourself . . .
2. Your Legal Budget vs. Your Legal Needs
3. Do Your Homework
4. Interview Your Lawyer
5. How You Feel

If you've never hired a lawyer, you may not know where to start. If you know someone who recently hired an attorney, then they may have a personal recommendation for you. However, you may feel uncomfortable asking for recommendations or discussing your case with people close to you. That's why the Internet can also be a valuable resource to research and to compare lawyers and their professional backgrounds. Sites such as Avvo, LinkedIn, and others can help you compare the experience and reputation of various lawyers.

1. ASK YOURSELF . . .

When you're meeting with potential lawyers, you must remember that not all attorneys are created equal. Here are some questions you should ask yourself before making your decision as to which lawyer to hire:

1) Does the lawyer pay attention to you while you're talking? You need an attorney who will be compassionate and dedicated to your needs. If the lawyer is distracted, taking other calls, checking emails, and so on, perhaps that lawyer is not the best for you.

2) Does the lawyer try to educate you and to answer your questions? A skilled lawyer knows that educating the client is important so that the client can make sound and informed decisions about their future.

3) Is the lawyer assertive without being arrogant? Some clients believe that having a "pit-bull" for a lawyer is

their best move. Obnoxious and egotistical doesn't mean better or skilled. You need an attorney that will calmly assert your rights and who will always act professionally.

4) Is the lawyer guaranteeing you results? If so, be cautious! Litigation in any court, including criminal court, is risky and the outcome can't be predicted with any certainty. The outcome of your case depends on many things such as the present circumstances, future developments, and the decisions and the attitudes of judges and jurors. You need a lawyer who shoots straight with you, who tells you like it is, and doesn't just tell you what you want to hear.

2. YOUR LEGAL BUDGET VS. YOUR LEGAL NEEDS

As a general rule, well-seasoned attorneys charge higher fees, and newer lawyers are cheaper. You pay higher fees for experience. If you have a simple issue such as a speeding ticket and you are on a budget, then a recent law school graduate may fit the bill. However, if you are facing complex legal challenges, then your legal needs may justify the costs of a more knowledgeable attorney. Additionally, although younger lawyers may charge a lower hourly rate, it may actually take them longer to do the work (meaning more fees) than a veteran attorney who has been performing the same service for years.

3. DO YOUR HOMEWORK

When you're searching for lawyers on the Internet, you should read beyond the marketing rhetoric if you really want to know who you are hiring. Here are some examples:

- If you visit a website that has plenty of descriptions of the lawyer's services but little information about the lawyer, then you may be missing the most important part of the picture – **the lawyer's experience.**
- If the lawyer's biography doesn't include the year that the lawyer graduated from law school, then chances are likely that the lawyer hasn't been practicing for very long and he or she has left this information out of their website for "marketing" purposes. This doesn't necessarily mean that the lawyer isn't able to handle your case, but it may mean that the lawyer is still "learning the ropes."

Here are some resources to learn more about your lawyer's background and experience:

- Look for the lawyer's Martindale Hubbell Rating. The Martindale Hubbell® Directory has been rating lawyers for the past 140 years. According to Martindale, "Peer Review Ratings™ help buyers of legal services identify, evaluate and select the most appropriate lawyer for a specific task at hand." Using information supplied by other lawyers and judges, Martindale rates lawyers based on performance in the areas of: (1) legal knowledge, (2) analytical capabilities, (3) judgment, (4) communication ability, and (5) legal

experience. The highest rating a lawyer or law firm may have is AV Preeminent. For more information about how the rating system works and to search for a lawyer's rating, visit www.martindale.com.

- A newcomer to the business of rating lawyers is Avvo. Avvo rates lawyers by "using a mathematical model that considers elements such as years of experience, board certification, education, disciplinary history, professional achievement, and industry recognition—all factors that are relevant to assessing a lawyer's qualifications." Their ratings rank from the highest of 9 – 10 (Superb) to the lowest of 1.0-1.9 (Extreme Caution). Also, Avvo posts reviews and comments by both other lawyers and by clients. Avvo's website can be found at www.avvo.com.

4. INTERVIEW YOUR LAWYER

Often when people meet with a lawyer for the first time, they are under significant stress because of their legal problems, and the conversation tends to focus solely on those problems. While you're discussing your case and seeking answers to your questions, take the time to ask the lawyer about his or her background and experience such as:

- How long they've practiced;
- Whether the lawyer has handled any cases similar to yours;
- How many similar cases has the lawyer handled;

- Who'll handle the case (sometimes other lawyers within a firm besides the one you meet with will handle some of your work, and you should know more about the legal team working on your case); and
- Whether the attorney has malpractice insurance (malpractice insurance isn't required for many lawyers).

Here are two common questions that clients ask that will NOT help you to choose the right lawyer for you:

- "How many cases have you won?" - As any seasoned lawyer will tell you, "You can't win them all." Even if the lawyer has won every case up to that point, your case may be the first that they lose. So, if the lawyer boasts about their track record or gives you the impression that you can't lose, then perhaps you're not dealing with the most straightforward attorney.
- "What are the odds of winning my case?" - Although a lawyer may comfort you by telling you what you want to hear, you're better off getting a straight answer from the very beginning. The honest answer is - "It depends." Every case is unique, and your case's outcome depends on many variables which, realistically, cannot be predicted from "day one."

5. HOW YOU FEEL

The final, and perhaps the most important, thing you should consider when you hire your attorney is how you feel about

your first meeting. The bottom line is that if, for any reason, you don't feel comfortable with the lawyer you met, then go interview others (and there are many) until you're satisfied that you're choosing the best lawyer to represent you.

Working with Your Lawyer

One of the problems is that many people try to oversimplify their situation. There are many aspects of any type of case or legal problems, so the more your attorney knows about your case, the better it is for you.

1) Tell your lawyer the ENTIRE truth. Some folks are embarrassed about their situation. Some are concerned that they'll be criticized or judged by their lawyer if they share all of the truth. If you don't tell your lawyer the truth, you're hurting your chances of a favorable outcome. The more your lawyer knows about the "bad stuff," the more your lawyer can prepare to deal with any claims thrown your way. Remember, your lawyer took an oath of confidentiality. EVERYTHING you tell your lawyer stays with your lawyer. Don't hold back; tell the entire truth to your lawyer.

2) Explain without venting. There are many ways you can make your lawyer's job easier and to keep your legal fees and

costs down. First, you should tell your lawyer as much as you can about your current situation. However, you shouldn't spend too much time venting about your situation. Lawyers understand that their clients are going through an emotionally difficult time in their lives. Often, however, you would do better to talk to your friends, family, or a counselor to address these issues (and the cost is usually much less than paying your lawyer to listen).

3) Read everything your lawyer sends you. Another way to work better with your attorney is to read carefully everything that is sent to you. Some paperwork requires that you respond to the other party or the court within a certain time period, otherwise you may jeopardize your case. In all, there is no substitute for early, thorough preparation. Do all that is required of you within the time frames that your lawyer gives you, and your case may run smoother.

4) Don't contact a judge about your case. If you're represented by a lawyer, let all official communications come through and from your lawyer. Additionally, there are rules that prohibit one side or another from communicating directly with a judge.

5) Be patient. As a final note, you should understand that legal cases take time. First, it will take some time for your lawyer to gather all the information needed to proceed with your case. Part of this time depends on how quickly you provide the information your attorney requests. Then, your attorney may need to request information from the other side

through “discovery.” Afterward, it will take some time, depending on the court's schedule, before your case is resolved. So, try to have patience with your attorney and with the courts. Impatience will not speed up the process but it will cause you more concern and could cost you more money.

Are “Aggressive” Lawyers “Effective” Lawyers?

Practicing law in South Carolina is remarkably genteel. In fact, the practice of law in Charleston, where we practice, is so well-mannered that in 2001 the ABA Journal ran, as its cover story, an article regarding southern collegiality and practicing law here in the Lowcountry. Of course, there are always exceptions, but overall our Bar prides itself on supporting one another and acting as professional colleagues and not as professional antagonists. To echo that sentiment, members of the South Carolina Bar must take an “Oath of Civility” toward one another and to members of the public. Unfortunately, lawyers throughout the country are not exactly revered for their congenial nature or their civility toward each other. To make matters worse, TV, movies, and dramatic fiction play to an audience that expects lawyers to shout at the witness during cross-examination - “YOU CAN’T HANDLE THE TRUTH!” The unfortunate “truth” is that even in the real world, many lawyers market themselves as being “aggressive” or are endorsed by other lawyers as such.

If you look up the word “aggressive,” you will find definitions that include “ready or likely to attack or confront,” “pursuing one's aims and interests forcefully, sometimes unduly so,” or “characterized by or tending toward unprovoked offensives or attacks.” Being “aggressive” is not the same thing as being “zealous.” “Zeal” is defined as “great energy or enthusiasm in the pursuit of a cause or an objective.” Zealousness is an admirable attribute; aggressiveness is not. Here is why:

1) Aggressive Lawyers Are On The “Short-List” -

Judges don't care for “aggressive” lawyers. Ask any judge, and they'll tell you that they are worn out from baby-sitting lawyers who can't get along with one another, who quibble over the most mundane aspects of their case, who accuse other lawyers of misdeeds, who complain about imagined slights, who hold hard-and-fast to deadlines without accommodation or courtesy, and the list goes on. Lawyers who place themselves on a judge's “short list” of intolerable lawyers are doing a great disservice to their clients.

Regrettably, many of the lawyers who place themselves on the “short-list” are either oblivious to (or “willfully dense” to) how their attitude negatively impacts upon the court's scheduling of matters, the court's receptiveness to the lawyer's concerns (“Cry Wolf Syndrome”) or even, at times, the court's rulings.

2) Aggressive Lawyers Get As Good As They Give -

We've let other lawyers out of default or extended firm deadlines as a professional courtesy. We can unequivocally state that in those cases, the outcome was positive for the clients and, in some cases, made more positive by acting

professionally. Of course, there will always be those parties, or their lawyers, who foster a hard-line approach to the case. However, perhaps a better practice is to set a positive tone from the beginning before you come out swinging the day the client walks into your door. If you're a lawyer who sets negative, aggressive tone from the outset, then don't be shocked when opposing counsel doesn't return your phone calls, doesn't grant you any extensions you request, doesn't work with you to complete discovery, etc. In all, what goes around does, indeed, come around. In the end, it would be best to have a reputation as being respected and a "lawyer's lawyer" than to be the attorney to whom everyone else is looking to dish out a little "payback."

3) Good Lawyers Don't Just "Try" Cases; Good Lawyers Try to "Resolve" Cases - Before we hop down off of our soapbox, there is one last point to be made. "Scorched earth" policies and aggressive behaviors don't benefit clients (except in the movies). Aggressive behaviors run up legal fees. Sparring with opposing counsel or writing threatening "paper tiger" letters or emails is, in a word, useless. As we say here in the South, "you catch more flies with honey than with vinegar."

18 Quick Tips on Gun Safety

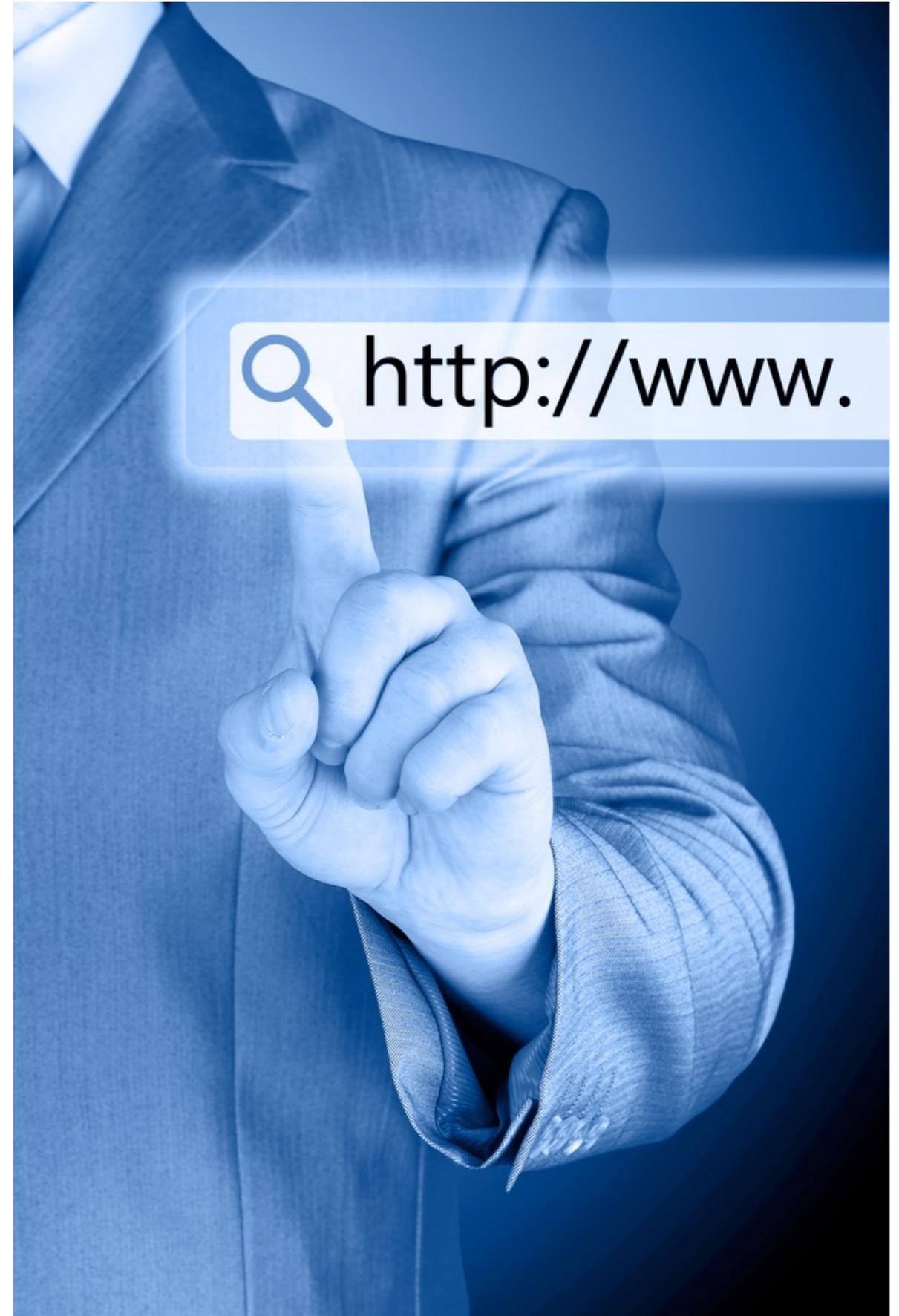
Although this book is about gun laws, it's always good to remind ourselves about gun safety. Even the best of us make mistakes, and a small mistake with a firearm can have devastating results.



1. Always handle a gun as if it is loaded with a bullet in the chamber, even if you're sure that it isn't loaded. In other words, every time you pick up a weapon, check the chamber for a round.
2. Don't point a gun at anything you don't wish to destroy.
3. Don't rely on a gun's safety mechanism.
4. Always keep unused firearms under lock and key and out of the reach of children and others. Consider using a gun-locking device in addition to keeping the gun under lock and key. Educate your children on the destructive nature of guns. Kids, especially young ones, probably don't appreciate the importance of this as much as you do.
5. When firing your weapon, always be aware of what is, or could be, behind your target.
6. When you are visiting a shooting range, always keep your weapon pointed "downrange" towards the target area even if your weapon is unloaded.
7. Don't keep firearms loaded when not in use.
8. Refrain from chambering a round in a stored weapon. As a practical matter, the difference in time it takes to chamber a round may not make any practical difference even in an emergency but will help to prevent an accidental discharge.
9. Be sure to use the correct ammunition and make sure the barrel is clear of obstructions before every use.
10. Be careful if you make or reload your own ammunition. We've dealt with cases where the gun owner made their own ammo which, unfortunately, caused their weapon to malfunction (including causing the barrel to explode) resulting in serious injuries.
11. Always wear ear and eye protection when firing a gun.
12. Keep your finger off of the trigger until you're ready to fire.
13. Learn about how your gun works. Read the user's manual. Understand the mechanics.
14. Clean and service your firearms regularly.
15. Don't modify firearms in any way.
16. Never use alcohol, drugs, prescriptions, or other intoxicants when handling or firing a gun.
17. Don't store your ammunition in the same locked container as your firearms.
18. Use extra caution if you ever have a misfire. Know the PROPER ways to clear jams and misfeeds or have a professional assist you.

Useful Sites

To save you the time and the effort searching for statutes, municipal codes, and other useful sites regarding South Carolina's gun laws, we've compiled many of them in this Chapter. Also, we've included agency contact information for all 50 states to check on CWP reciprocity when you're traveling. Just tap on any of the links to visit a site (if one is available).



STATUTES & CODES

Code of Federal Regulations, Carriage of Weapons, Explosives, and Incendiaries by Individuals)

§1540.111

Firearms

SC Code § 23-31-10 to 1060

Offenses Involving Weapons

SC Code § 16-23-10 to 780

Protection of Persons & Property Act

SC Code § 16-11-410 to 450

SC County & Municipal Codes

All Counties & Municipalities

Shoot Range Protection Act

SC Code § 31-18-10 to 60

SOUTH CAROLINA RESOURCES

SC Department of Natural Resources (DNR)

Shooting Ranges by County

SC Law Enforcement Division (SLED)

Concealed Weapons Program

OTHER RESOURCES

Transportation Security Administration

Information on Traveling with Firearms

RECIPROCITY INFORMATION

IMPORTANT

When we created the reciprocity map in Chapter 2.1, we found that many online resources have inaccurate or outdated information. So, we compiled a list of the contact information for the responsible agencies in all 50 states. The status of each state's reciprocity may change from time-to-time, so you should check each state if you're traveling there with a concealed weapon.

Alabama

Site:

<http://www.ago.state.al.us/Page-Gun-Reciprocity-Law>

Contact:

Attorney General

334-242-7300

Alaska

Site:

<http://dps.alaska.gov/statewide/permitslicensing/reciprocity.aspx>

Contact:

Dept. of Public Safety
907-269-5511

Arizona

Site:

[http://www.azdps.gov/Services/Concealed Weapons/Reciprocity/](http://www.azdps.gov/Services/Concealed_Weapons/Reciprocity/)

Contact:

Dept. of Public Safety
602-223-2000

Arkansas

Site:

<http://asp.arkansas.gov/services-and-programs/detail/concealed-handgun-licensing#law>

Contact:

State Police
501-618-8000

California

Site:

<http://oag.ca.gov/firearms/pubfaqs#12>

Contact:

Bureau of Firearms
916-227-7527

Colorado

Site:

<https://www.colorado.gov/pacific/cbi/chpreciprocity>

Contact:

Dept. of Public Safety
303-239-4201

Connecticut

Site:

<http://www.ct.gov/despp/cwp/view.asp?a=4213&q=494614>

Contact:

State Police
860-685-8190

Delaware

Site:

<http://attorneygeneral.delaware.gov/criminal/concealedweapons.shtml>

Contact:

Attorney General
302-577-8600

Florida

Site:

<http://www.freshfromflorida.com/Divisions-Offices/Licensing/Concealed-Weapon-License/Related-Information/States-Recognizing-Florida-License>

Contact:

Dept. of Agriculture and Consumer Services
800-435-7352

Georgia

Site:

<https://dps.georgia.gov/georgias-firearm-permit-reciprocity>

Contact:

Dept. of Public Safety
404-624-7000

Hawaii

Site:

None Available

Contact:

Firearms Division
808-587-1414

Idaho

Site:

http://www.ag.idaho.gov/concealedWeapons/concealedWeapons_index.html

Contact:

Attorney General
208-334-2400

Illinois

Site:

<https://www.ccl4illinois.com/ccw/Public/Faq.aspx>

Contact:

State Police
815-844-1500

Indiana

Site:

http://iot.custhelp.com/app/answers/detail/a_id/2190

Contact:

State Police
317-232-8264

Iowa

Site:

http://www.dps.state.ia.us/asd/weapons/SF2379_FAQ.pdf

Contact:

Dept. of Public Safety
515- 725-6253

Kansas

Site:

<http://ag.ks.gov/public-safety/concealedcarry/out-of-state-license-recognition>

Contact:

Attorney General's Concealed Carry Licensing Unit
785-296-2215

Kentucky

Site:

<http://www.kentuckystatepolice.org/ccdw/reciprocity.html>

Contact:

State Police
502-782-1800

Louisiana

Site:

<http://www.lsp.org/handguns.html#recip>

Contact:

State Police
225-925-4867

Maine

Site:

http://www.maine.gov/dps/msp/licenses/weapons_permits.html

Contact:

State Police
207-624-7200

Maryland

Site:

<https://www.mdsp.org/Organization/SupportServicesBureau/LicensingDivision/MainLicensingPage.aspx>

Contact:

State Police
410-653-4200

Massachusetts

Site:

<http://www.mass.gov/portal/articles/getting-a-gun-license-in-massachusetts.html>

Contact:

Firearms Records Bureau
617-660-4782

Michigan

Site:

http://www.michigan.gov/ag/0,4534,7-164-58056_22672-60639--,00.html

Contact:

Attorney General
517- 373-1110

Minnesota

Site:

<https://dps.mn.gov/divisions/bca/bca-divisions/administrative/pages/permit-to-carry-faq.aspx>

Contact:

Dept. of Public Safety
651- 215-1328

Mississippi

Site:

<http://www.dps.state.ms.us/firearms/firearms-permit-unit/firearms-permits-faqs/>

Contact:

Dept. of Public Safety
601-987-1212

Missouri

Site:

<http://www.mshp.dps.mo.gov/MSHPWeb/Publications/Brochures/documents/SHP-863.pdf>

Contact:

State Highway Patrol
573-751-1000

Montana

Site:

<https://dojmt.gov/enforcement/concealed-weapons/>

Contact:

Dept. of Justice
406-444-2026

Nebraska

Site:

<https://statepatrol.nebraska.gov/media/10076/recognitionofconcealedhandgunpermits.pdf>

Contact:

State Patrol
402-471-4545

Nevada

Site:

http://www.nvrepository.state.nv.us/ccw_changes.shtml

Contact:

Dept. of Public Safety
775-684-6262

New Hampshire

Site:

<http://www.nh.gov/safety/divisions/nhsp/ssb/permitslicensing/plupr.html>

Contact:

Dept. of Safety
603-271-1154

New Jersey

Site:

http://www.njsp.org/about/fire_trans.html

Contact:

Dept. of Law and Public Safety
609-292-4925

New Mexico

Site:

<http://www.dps.state.nm.us/index.php/nm-concealed-carry/>

Contact:

Dept. of Public Safety
505-841-8053

New York

Site:

http://www.nyc.gov/html/nypd/html/firearms_licensing/handgun_licensing_information.shtml

Contact:

NYPD
646-610-5560

North Carolina

Site:

<http://www.ncdoj.gov/getdoc/19be6294-bfbf-4875-bbef-ac2ebb6f47b2/Concealed-Weapon-Reciprocity.aspx>

Contact:

Dept. of Justice
919-716-6500

North Dakota

Site:

<http://www.ag.nd.gov/BCI/CW/reciprocity.htm>

Contact:

Attorney General
701 328-2210

Ohio

Site:

<http://www.ohioattorneygeneral.gov/Law-Enforcement/Concealed-Carry/Concealed-Carry-Reciprocity-Agreements>

Contact:

Attorney General
800-282-0515

Oklahoma

Site:

http://www.ok.gov/osbi/Handgun_Licensing/Reciprocity/

Contact:

State Bureau of Investigation
405-848-6724

Oregon

Site:

http://licenseinfo.oregon.gov/?fuseaction=link_class&class_list=14705&class_name=Concealed%20handguns&LinkType=P

Contact:

Licenses, Permits, and Registrations
503-986-2200

Pennsylvania

Site:

https://www.attorneygeneral.gov/Media_and_Resources/Firearm_Reciprocity_Agreements/

Contact:

Attorney General
717-787-3391

Rhode Island

Site:

None Applicable

Contact:

State Police
401-444-1000

South Dakota

Site:

<https://sdsos.gov/services-for-individuals/concealed-pistol-permits/reciprocity-agreements.aspx>

Contact:

Secretary of State
605-773-3537

Tennessee**Site:**

<http://www.tn.gov/safety/handgun/reciprocity.shtml>

Contact:

Dept. of Safety and Homeland Security
615-251-5166

Texas**Site:**

<https://www.txdps.state.tx.us/RSD/CHL/Legal/Reciprocity/index.htm#>

Contact:

Dept. of Public Safety
512-424-7293

Utah**Site:**

<http://publicsafety.utah.gov/bci/FAQother.html>

Contact:

Dept. of Public Safety
801-965-4461

Vermont**Site:**

None Applicable

Contact:

Attorney General
802-828-3171

Virginia**Site:**

http://www.vsp.state.va.us/Firearms_Reciprocity.shtm

Contact:

State Police
804-674-2000

Washington**Site:**

<http://apps.leg.wa.gov/rcw/default.aspx?cite=9.41.073>

Contact:

Dept. of Licensing
360-902-3600

West Virginia**Site:**

<http://www.ago.wv.gov/gunreciprocity/Pages/default.aspx>

Contact:

Attorney General
304-558-2021

Wisconsin**Site:**

<http://www.doj.state.wi.us/dles/cib/conceal-carry/reciprocity>

Contact:

Dept. of Justice
608-266-1221

Wyoming**Site:**

<http://wyomingdci.wyo.gov/dci-criminal-justice-information-systems-section/concealed-firearms-permits/cfp-faq>

Contact:

Division of Criminal Investigation
307-777-7181