South Carolina
Law Enforcement Division

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor
Mark A. Keel, Chief

Tel: (803) 737-9000

S.C. LAW ENFORCEMENT DIVISION (SLED)

Concealed Weapon Permit (CWP) Instructor Application Packet

Revised 12/2018'

SLED CWP Instructor Applicant Packet

Attachments

1. Applicant Letter
2. CWP Instructor Application
3. CWP Lesson Plan Review Checklist
4. S.C. Concealed Weapon Permit Instructor/Student Checklist
5. S.C. Gun/CWP Laws and Regulations Website links
6. 2014' Legislative Changes to Gun Laws
7. Case Law Information
8. Approved CWP Firearms Proficiency Qualification Course

ATTACHMENT 1

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Dear Concealed Weapon Permit Instructor Applicant:

South Carolina Code 23-31-210 requires the South Carolina Law Enforcement Division (SLED) to promulgate regulations containing general guidelines for courses and qualifications pertaining to the Concealed Weapon Permit (CWP) program. This letter is intended to acquaint the instructor applicant with the requirements which must be met in order to obtain certification as a CWP instructor.

Prior to submitting your application, you must have received some type of handgun instructor training (i.e. law enforcement, military, NRA, etc.); and documentation of such certification must be submitted with the application. The application form must be accurately completed and submitted along with a photograph. As the statute requires SLED to only promulgate general guidelines, no standardized lesson plan is available. Each instructor applicant, based on his/her training and experience, is required to develop and submit a detailed lesson plan describing the training course to be taught. The lesson plan must adequately cover all requirements set forth in Sections 23-31-210 through 23-31-215 and 16-11-410 through 16-11-450 of the S.C. Code of Laws. Lesson plans must also specifically address South Carolina statutory and case law related to handguns and the use of deadly force, proper handgun use and safety, proper storage practices for handguns that reduce the possibility of accidental injury to children, and the actual firing of the handgun. An outline is not acceptable.

In addition to a lesson plan, an agenda/schedule for the class should be submitted that outlines the amount of time devoted to each training topic, testing, and actual firing on the range. This will document compliance with statutory requirements pertaining to training. There is no longer a minimum training requirement of eight (8) hours; however, instructors will be responsible to ensure each student is adequately trained and qualified pursuant to state laws and regulations.

Enclosed are copies of applicable state statutes, case law, amendments, regulations, and requirements – to include copies of the written examinations, minimum required course of fire, and additional information to assist in lesson plan development. The CWP examinations should be used to develop training objectives for lesson plan.

The purpose of the CWP examinations is to ensure students have a practical understanding of the information as specified in the statute and covered during the training session. Ensuring the student has a working knowledge of firearms safety and operation, legal requirements, deadly force issues, marksmanship techniques, and proper storage practices is critical to the safety of the CWP holder and the community. The practice of teaching the student to "pass the test" is **unacceptable**. In your lesson plans please be sure to include a student review of the test as well.

As the CWP applicant is only required to demonstrate proficiency with only one handgun, it is very important that the student has a good working understanding of safe handling and operation of different types of handguns. The primary objective of the CWP proficiency course of fire is to allow CWP applicants an opportunity to demonstrate proficiency in safe handling, operation, and marksmanship with the handgun to the satisfaction of the CWP instructor. As safety is the primary concern, a working understanding of the Four Cardinal Rules of firearms safety is critical:

1. Treat all firearms as if they are always loaded.
2. Always keep the muzzle of the firearm pointed in a safe direction.
3. Keep your finger outside the trigger guard until the weapon is pointed at the target and you have decided to fire.
4. Always be sure of your target and what is beyond it.

Firing of the handgun should be done at eye level following the basic marksmanship fundamentals of grip, stance, sight alignment, trigger control, and follow through. On the course of fire, the term "presentation" is used in the event the handgun is presented from a purse, "fanny pack", etc. or drawn from a holster. Firing may be conducted on any standard sized silhouette target such as a B27, B21, "Q", TQ19, IPSC, etc. A minimum standard of 70% hits on the target is required for qualification. As this is primarily a self-defense course, the maximum distance is fifteen yards. However, firing at further distance for familiarization may demonstrate how effective or ineffective the applicant might be at such a distance. The time limits are designed to establish a reasonable amount of time for completion of each exercise.

Emphasis should be placed on the responsibility for the results of firing the handgun, where the bullet will ultimately stop and the circumstances leading up to the firing. Examples of proper and improper uses of deadly force are a valuable training aid and should be discussed.

Certified instructors must understand there is a certain amount of responsibility attached to every Instructor/Student Checklist issued. The South Carolina Concealed Weapons Permit Instructor/Student Training Checklist is available on the SLED website (www.sled.sc.gov). On this checklist the instructor must **certify** that all of the training requirements have been successfully completed, including notation of the test score(s) and range score. The student must also acknowledge a "working understanding" of the topics instructed in the training class. The original checklist must be submitted with the CWP application and the instructor should retain a copy.

Any false information or documentation furnished to SLED in connection with this program will result in the decertification of the instructor and potential criminal prosecution for perjury and subornation of perjury (Section 16-9-10) of the instructor and CWP applicant.

CWP application forms and other information regarding the CWP program can be accessed via the SLED website (www.sled.sc.gov). If you have any questions regarding the CWP program including instructor training matters, please call SLED Regulatory Services Unit at 803-896-7015.

Pursuant to 56DD.36 of the State Budget, effective July 1, 2003, SLED is authorized to charge a fee of $100.00 for the issuance of a Concealable Weapons Permit Instructor Certification, and $100.00 every three years for each renewal. Please remit with your application a certified check or money order in the amount of $100.00 payable to the South Carolina Law Enforcement Division.

Continued success of the CWP program is because of the quality training provided by and the professionalism of CWP instructors. Thank you for your interest in becoming a CWP instructor.

Sincerely,

Natalie Crosland, Lieutenant
South Carolina Law Enforcement Division

Updated 12-2018'

ATTACHMENT 2

SLED Concealed Weapon Permit (CWP) Instructor Application

Mail to:
SLED CWP
P. O. BOX 21398
COLUMBIA, SOUTH CAROLINA 29221-1398
TYPE OR PRINT IN INK

Your application will not be processed unless all applicable questions have been answered and required documentation submitted.

New Instructor Application ☐ **Renewal Instructor Application** ☐ **Instructor Number (Renewal Application Only)** ☐

Full Name (Last, First, Middle, Maiden, Suffix):_____ **County:**_____

Residence Address:_____ **City:**_____ **State:**____ **Zip:**____

Business Address:_____ **City:**_____ **State:**____ **Zip:**____

Mailing Address:_____ **City:**_____ **State:**____ **Zip:**____

Telephone #:_____ **Email Address:**_____ **Website:**_____

Do you want your information listed on the SLED website? Yes____ **No**____ **(Only telephone number will be disseminated publicly)**

Social Security Number (SSN):_____ **Driver's License Number:**_____ **Military Identification Number:**_____

Date of Birth (YYYY/MM/DD):_____ **Place of Birth:**_____

Race:____ **Sex:**____ **Height:**____ **Weight:**____ **Eye Color:**____ **Hair Color:**____

Disabled Veteran: Yes____ **No**____ **Law Enforcement Officer: Active**____ **Retired**____

Last Date Certified:	INSTRUCTOR CERTIFICATION(S): INCLUDE COPY OF CERTIFICATE(S)
	National Rifle Association Instructor Certification?
	S. C. Criminal Justice Academy Firearms Instructor Certification?
	SLED Private Security Level I, II, III?
	U. S. Military Instructor?
	Federal Law Enforcement Instructor (FLETC, FBI)?
	Commercial Certification (S&W; H&K; Sig Arms; Gunsite; etc.)?
	Other

**** Have you attended at least one SLED approved SC CWP Instructor Seminar in the past (3) years?**

Yes ____ **No** ____

I attest, to the best of my knowledge, that all answers on this application are true. I understand that I may be subjected to criminal prosecution for falsification or misrepresentation of any part of any document provided to the South Carolina Law Enforcement Division in the application process. Falsification or misrepresentation is also grounds for my instructor certification being denied or revoked. I understand that if I become prohibited under state or federal law from possessing a weapon, my certification will be revoked.

Signature:_____ **Date:**_____

ATTACHMENT 3

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CWP Lesson Plan Review Checklist:

___ **Record Check**/Notes: _____

___ **Instructor Certification / Active**

___ **Schedule / Overview**

___ **Basic Safety**

___ **Home Safety / Safe Storage** (ex. NRA Eddie Program)

___ **Nomenclature**

___ **Basic Operation / Manipulation**

___ **Basic Marksmanship**

___ **Carrying Concealed** (Specifically, on a person, where can a weapon be carried)

___ **SC Statutory & Case Law**

___ **Self Defense Issues**

___ **Deadly Force Decision Making**

___ **Prohibited Locations**

___ **Test & Review After** (Detail your individual student post-test review process)

___ **Range Safety** (Include "Range Rules," where firearms portion takes place)

___ **Qualification Course** (SLED mandated standard not debatable)

- **Every item on the above checklist needs to be included with your application or it will be denied.**
- **CWP Instructor Packet completion will NOT stand as your required lesson plan.**

___ **APPROVED** ___ **DELAYED** ___ **DENIED**

Comments: _____

_____

_____

Reviewed by: _____ **Date:** _____

ATTACHMENT 4

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Instructions: This form must be submitted with the Concealed Weapons Permit application. Instructors should retain a copy for their records.

Student Name:_____ **Number:** _____

Address: _____

Instructor Name:_____ **Number:** _____

Date Training Completed:_____ **Location:** _____

Under penalty of perjury I certify that I have successfully completed a SC CWP training class and have a working understanding of the following related topics:

(Initial Below)

1) **Statutory and case law regarding deadly force** _____
2) **SC laws governing firearms and concealed weapons permits** _____
3) **Proper firearms storage practices that deny access to children** _____
4) **Prohibited carry locations** _____
5) **Liability and responsibility issues relating to firearms** _____
6) **Proper interaction with Law Enforcement Officers** _____
7) **The four cardinal firearm safety rules** _____
8) **Handgun safety, manipulation, and operation** _____
9) **Basic handgun marksmanship** _____
10) **Proper concealment techniques and drawing from concealment** _____
11) **Qualification on the range with the Instructor** _____

***Law Enforcement/Military Exemption (Attach Documentation) (Exempt applicants are only required to certify items 1 through 6)**

Student Signature: _____

Under penalty of perjury I certify that this student has successfully completed a course of instruction that meets the standards set forth in Section 23-31-210 of the South Carolina Code of Laws and specifically included the items listed above.

Based upon his/her performance in the CWP training class that I conducted, I recommend that this applicant be issued a Concealed Weapons Permit.

Test Score:_____ **Qualification Score:** _____

Instructor Signature:_____ **Date:** _____

Revised 10/2017

ATTACHMENT 5

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The following links direct you to state laws and regulations pertaining to handguns and Concealed Weapon Permits (CWPs). Website links are provided in lieu of printed laws because these are kept updated whenever revisions are made:

Title 16, Chapter 23, S.C. Code of Laws – Offenses Involving Weapons

Title 23, Chapter 31, S.C. Code of Laws – Firearms

Chapter 73, S.C. Code of Regulations – Scroll down to Article 8 (Section 73-300)

See Title 16, Chapter 11, S.C. Code of Laws regarding protection of persons and property (liability) laws – Scroll down to Article 6 beginning at Section 16-11-410.

The above listed links redirect you to the S.C. Legislative website, www.scstatehouse.gov.

This page includes interactive hyperlinks to external websites. If you wish to view the material and are not accessing directly from this page, please go to the S.C. Legislative website (www.scstatehouse.gov) and click on the link to view the S.C. Code of Laws or S.C. Code of Regulations listed above. For a printed copy of any laws or regulations pertaining to the Concealed Weapon Permit program, please contact SLED Regulatory Services at 803-896-7015.

ATTACHMENT 6

***Be it enacted by the General Assembly of the State of South Carolina*:**

Concealable weapons, carrying of concealed weapons into businesses that sell alcohol for on-premises consumption, exception when notice posted, penalties

SECTION 1. Section 16-23-465 of the 1976 Code, as last amended by Act 274 of 2002, is further amended to read:

"Section 16-23-465. (A) In addition to the penalties provided for by Sections 16-11-330, 16-11-620, 16-23-460, 23-31-220, and Article 1, Chapter 23, Title 16, a person convicted of carrying a firearm into a business which sells alcoholic liquor, beer, or wine for consumption on the premises is guilty of a misdemeanor, and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than two years, or both.

In addition to the penalties described above, a person who violates this section while carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23 must have his concealed weapon permit revoked for a period of five years.

(B)(1) This section does not apply to a person carrying a concealable weapon pursuant to and in compliance with Article 4, Chapter 31, Title 23; however, the person shall not consume alcoholic liquor, beer, or wine while carrying the concealable weapon on the business' premises. A person who violates this item may be charged with a violation of subsection (A).

(2) A property owner, holder of a lease interest, or operator of a business may prohibit the carrying of concealable weapons into the business by posting a 'NO CONCEALABLE WEAPONS ALLOWED' sign in compliance with Section 23-31-235. A person who carries a concealable weapon into a business with a sign posted in compliance with Section 23-31-235 may be charged with a violation of subsection (A).

(3) A property owner, holder of a lease interest, or operator of a business may request that a person carrying a concealable weapon leave the business' premises, or any portion of the premises, or request that a person carrying a concealable weapon remove the concealable weapon from the business' premises, or any portion of the premises. A person carrying a concealable weapon who refuses to leave a business' premises or portion of the premises when requested or refuses to remove the concealable weapon from a business' premises or portion of the premises when requested may be charged with a violation of subsection (A)."

Concealable Weapon permits, definitions, online applications, five-year permits

SECTION 2. A. Section 23-31-210 of the 1976 Code, as last amended by Act 347 of 2006, is further amended to read:

"Section 23-31-210. As used in this article:

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

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

(3) 'Picture identification' means:

(a) a valid driver's license or photographic identification card issued by the state in which the applicant resides; or

(b) an official photographic identification card issued by the Department of Revenue, a federal or state law enforcement agency, an agency of the United States Department of Defense, or the United States Department of State.

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

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

(i) information on the statutory and case law of this State relating to handguns and to the use of deadly force;

(ii) information on handgun use and safety;

(iii) information on the proper storage practice for handguns with an emphasis on storage practices that reduces the possibility of accidental injury to a child; and

(iv) the actual firing of the handgun in the presence of the instructor;

(b) a person who demonstrates any of the following must comply with the provisions of sub-item (a)(i) only:

(i) a person who demonstrates the completion of basic military training provided by any branch of the United States military who produces proof of his military service through the submission of a DD214 form;

(ii) a retired law enforcement officer who produces proof that he is a graduate of the Criminal Justice Academy or that he was a law enforcement officer prior to the requirement for graduation from the Criminal Justice Academy; or

(iii) a retired state or federal law enforcement officer who produces proof of graduation from a federal or state academy that includes firearms training as a graduation requirement;

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

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

(e) an active duty police handgun instructor;

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

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

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

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

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

B. Section 23-31-215 of the 1976 Code, as last amended by Act 349 of 2008, is further amended to read:

"Section 23-31-215. (A) Notwithstanding any other provision of law, except subject to subsection (B), SLED must issue a permit, which is no larger than three and one-half inches by three inches in size, to carry a concealable weapon to a resident or qualified nonresident who is at least twenty-one years of age and who is not prohibited by state law from possessing the weapon upon submission of:

(1) a completed application signed by the person;

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

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

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

(5) proof of training;

(6) payment of a fifty-dollar application fee. This fee must be waived for disabled veterans and retired law enforcement officers; and

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

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

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

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

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

(1) name, including maiden name if applicable;

(2) date and place of birth;

(3) sex;

(4) race;

(5) height;

(6) weight;

(7) eye and hair color;

(8) current residence address; and

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

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

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

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

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

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

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

(I) SLED must maintain a list of all permit holders and the current status of each permit. SLED may release the list of permit holders or verify an individual's permit status only if the request is made by a law enforcement agency to aid in an official investigation, or if the list is required to be released pursuant to a subpoena or court order. SLED may charge a fee not to exceed its costs in releasing the information under this subsection. Except as otherwise provided in this subsection, a person in possession of a list of permit holders obtained from SLED must destroy the list.

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

(1) become a person prohibited under state law from possessing a weapon;

(2) moved his permanent residence to another state and no longer owns real property in this State;

(3) voluntarily surrendered the permit; or

(4) been charged with an offense that, upon conviction, would prohibit the person from possessing a firearm. However, if the person subsequently is found not guilty of the offense, then his permit must be reinstated at no charge.

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

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

(1) identifies himself as a law enforcement officer; and

(2) requests identification or a driver's license from a permit holder.

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

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

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

(1) law enforcement, correctional, or detention facility;

(2) courthouse or courtroom;

(3) polling place on election days;

(4) office of or the business meeting of the governing body of a county, public school district, municipality, or special purpose district;

(5) school or college athletic event not related to firearms;

(6) daycare facility or preschool facility;

(7) place where the carrying of firearms is prohibited by federal law;

(8) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;

(9) hospital, medical clinic, doctor's office, or any other facility where medical services or procedures are performed unless expressly authorized by the employer; or

(10) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises pursuant to Sections 23-31-220 and 23-31-235. Except that a property owner or an agent acting on his behalf, by express written consent, may allow individuals of his choosing to enter onto property regardless of any posted sign to the contrary. A person who violates a provision of this item, whether the violation is wilful or not, may only be charged with a violation of Section 16-11-620 and must not be charged with or penalized for a violation of this subsection.

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

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

(N) Valid out-of-state permits to carry concealable weapons held by a resident of a reciprocal state must be honored by this State, provided, that the reciprocal state requires an applicant to successfully pass a criminal background check and a course in firearm training and safety. A resident of a reciprocal state carrying a concealable weapon in South Carolina is subject to and must abide by the laws of South Carolina regarding concealable weapons. SLED shall maintain and publish a list of those states as the states with which South Carolina has reciprocity.

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

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

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

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

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

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

(2) completion of the renewal application; and

(3) picture identification or facsimile copy thereof.

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

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

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

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

(1) the number of permits;

(2) the number of permits that were issued;

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

(4) the number of permits that were renewed;

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

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

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

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

(U) A concealable weapon permit holder whose permit has been expired for no more than one year may not be charged with a violation of Section 16-23-20 but must be fined not more than one hundred dollars."

C. Section 16-23-20(9)(a) of the 1976 Code, as last amended by Act 28 of 2007, is further amended to read:

"(a) 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. If the person has been issued a concealed weapons permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment; or"

D. Section 16-23-10(10) of the 1976 Code, as added by Act 294 of 2004, is amended toread:

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

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 5th day of February, 2014.

Approved the 11th day of February, 2014.

ATTACHMENT 7

South Carolina
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Please review the following case law, which has been provided to use as a guideline for developing CWP instructor lesson plans. This case law pertains to civilian self-defense, defense of others, defense of property, and citizen's arrest. It is not intended to be all inclusive and should be more fully developed for use in lesson plans.

THE LAW OF SELF DEFENSE IN SOUTH CAROLINA

State v. Fuller, 297 S.C. 440, 377 S.E.2d (1989). Fuller sets forth elements of self-defense in South Carolina as follows:

(1) the defendant must be without fault in bringing on the difficulty;

(2) the defendant must actually believe he is in imminent danger of loss of life or serious bodily injury or actually was in such danger;

(3) if the defendant believed he was in such danger, a reasonable or prudent man of ordinary firmness and courage would have believed himself to be in such danger; if the defendant actually was 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 himself from serious bodily harm or losing his own life;

(4) the defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in the particular instance.

McAninch and Fairey identified a whole host of situations where the duty of retreat is not applicable. These include:

1. In addition to no duty to retreat in one's home, there is no duty to retreat within the home's curtilage. State v. Jackson, supra or beyond the curtilage. State v. Quick, 138 S.C. 147, 135, S.E. 800 (1926).

2. No duty to retreat in one's place of business even if the aggressor also has a right to be there. State v. Kennedy, 143 S.C. 318, 141, S.E. 559 (1928).

3. No duty to retreat if a guest in home of another unless required to leave by a householder. State v. Osborne, 202 S.C. 463, 25 S.E. 2d 492 (1942).

4. No duty to retreat where attacked in a person's club room. ["A man is no more bound to allow himself to be run out of his rest room than his workshop."]

5. Where both parties own the premises, neither has the duty to retreat where the other is the aggressor. State v. Gibbs, 113 S.C. 256, 102 S.E. 333 (1920).

6. Where both live in the same home, neither has the duty to retreat if the other is the aggressor. State v. Grantham, 224 S.C. 41, 77 S.E. 2d 291 (1953).

7. Where both are guests in the same home, neither has the duty to retreat if the other is the aggressor. State v. Smith, 226 S.C. 418, 85 S.E. 2d 409 (1955).

8. Where both are fellow workers on the same jobsite, neither has the duty to retreat if the other is the aggressor. State v. Gordon, 128 S.C. 422, 122 S.E. 501 (1924).

9. One need not retreat "if to do so would apparently increase his danger." State v. McGee, 185 S.C. 184, 190, 193 S.E. 303, 306 (1937).

10. Duty to retreat before using deadly force in self-defense on a public street or highway, even when in own automobile. State v. McGee, supra.

11. Duty to retreat in a store where public is invited. State v. Peeples, 126 S.C. 422, 120 S.E. 361 (1923).

DEFENSE OF OTHERS

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

> "in such case the right to take the life of such assailant upon such unprovoked assault extends to any relative, friend, or bystander who would likewise have the right to take the life of such assailant if such act was necessary to save the person so wrongfully assailed from imminent danger of being murdered by such assailant. In other words, if the assailant makes a malicious and unprovoked assault with a deadly weapon upon one person with the apparent malicious intention to take the life of the person assailed and thereby commit murder, then, where the danger of the commission of such murder is imminent, any relative, friend, or bystander could have the right to take the life of such

> assailant if necessary in order to prevent the commission of such murder, provided there was no other reasonable means of escape for the person so assailed, and provided both the person assailed and the person coming to his defense were without legal fault in bringing on the difficulty."

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

> [a] person who [intervenes on behalf of another] will not be allowed the benefit of the plea of self-defense, unless such plea would have been available to the person whose part he took in case he himself had done the killing since the person interfering is affected by the principle that the party bringing on the difficulty cannot take advantage of his own wrong.

In other words, the person intervening is deemed to "stand in the shoes" of the person on whose behalf he is intervening. If that individual "had the right to defend himself, then the intervening party is also protected by that right. If, however, the party had no right to use force…then the intervening party will also assume the liability of the person on whose behalf he interfered" (McAninch & Fairey, p. 494).

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

RESISTANCE TO LAWFUL ARREST

There is no right to resist a lawful arrest. Town of Springdale v. Butler, 299 S.C. 276, 384 S.E. 2d 697 (1989).

CITIZEN'S ARREST

State v. Nall, 304 S.C. 332, 404 S.E. 2d (1991) represents a leading case in the area of citizen's arrest.

The Court summarized the common law of citizen's arrest as follows:

> [u]nder the modern common law, any person who views a felony being committed has a duty to endeavor to arrest the felon either personally or by calling others to his aid or by seeking out an officer of the peace.
>
> The law also permits a private person to arrest for a felony not committed in his presence if (1) the felony was actually committed and (2) the private person has reasonable cause to believe the one he is arresting committed the felony for which the arrest is made. Both

requirements must be met. If it later appears that the felony for which the arrest has been made was not in fact committed, the arrest is unlawful.

Finally, the law permits a private person to arrest for a misdemeanor committed in his presence, if it constitutes a breach of the peace. A private person has no lawful authority to arrest for misdemeanors not committed in his presence.

Except when made upon view of the felony, a private person making an arrest must give reasonable notice of his purpose to arrest and the cause for the arrest, together with a demand that the suspect submit to arrest.

DEFENSE OF PROPERTY

State v. Hibler, 79 S.C. 170, 60 S.E. 438 (1907), the Court recognized that

> [t]he general rule is too well settled to require the citation of authority that, in the protection of one's dwelling, only such force must be used as is necessary; or apparently necessary, to a reasonably prudent man. Any greater expenditure cannot be justifiable and is therefore punishable.

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

ATTACHMENT 8

STATE OF SOUTH CAROLINA CONCEALED WEAPONS PERMIT PROFICIENCY COURSE

Requirements:
50 Rounds of ammunition
Standard size silhouette target (B27, Q, IPSC, TQ19, etc.)
Ear and eye Protection
Safe holster or method of carrying concealed for presentation

Scoring: Possible of 50 hits; Minimum of 35 required (70%)

DISTANCE	DETAILS	TIME LIMIT
3 Yards	1 round fired from the ready position in	3 seconds
	2 rounds fired from the ready position in	5 seconds
	2 rounds fired from the ready position in	5 seconds
	1 round fired from the presentation in	5 seconds
	2 rounds fired from the presentation in	7 seconds
	2 rounds fired from the presentation in	7 seconds
5 Yards	1 round fired from the ready position in	3 seconds
	2 rounds fired from the ready position in	5 seconds
	2 rounds fired from the ready position in	5 seconds
	1 round fired from the presentation in	5 seconds
	2 rounds fired from the presentation in	7 seconds
	2 rounds fired from the presentation in	7 seconds
7 Yards	1 round fired from the ready position in	4 seconds
	2 rounds fired from the ready position in	6 seconds
	2 rounds fired from the ready position in	6 seconds
	1 round fired from the presentation in	6 seconds
	2 rounds fired from the presentation in	8 seconds
	2 rounds fired from the presentation in	8 seconds
10 Yards	1 round fired from the ready position in	4 seconds
	2 rounds fired from the ready position in	6 seconds
	2 rounds fired from the ready position in	6 seconds
	1 round fired from the presentation in	6 seconds
	2 rounds fired from the presentation in	8 seconds
	2 rounds fired from the presentation in	8 seconds
12 Yards	5 rounds fired from the presentation in	12 seconds
15 Yards	5 rounds fired from the presentation in	15 seconds

Revised 11/17'