

Faculty Questions

Chief Wuchenich Responses

Is the interpretation correct that possession of firearms are prohibited at USC, and does that include all places except for the ones named in Section 16-23-420 (E)?

Generally speaking, the possession of firearms is prohibited at USC. SC Code of Laws 16-23-430 Possession of firearm on school property; concealed weapons states, “It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property.”

BUT there ARE exceptions based on WHO is possessing it, HOW they are possessing it, and very specifically WHERE they are possessing it.

WHO:

The primary exemption to state gun laws is provided for law enforcement. State, county, and municipal law enforcement officers may carry anywhere in this State. There is no requirement that they be on duty, in their jurisdiction, in uniform, wear some other law enforcement markings, or that their firearm be concealed. There are other statutory exceptions to include various judges and prosecutors (SC Code 23-31-240), certain “qualified” retired law enforcement officers (SC Code 23-31-600), certain “on-duty” military (SC Code 16-23-20), and a few other unusual exceptions.

HOW:

There is a specific carvout for the possession of a firearm in a vehicle (even when in an otherwise prohibited place such as private property or a school parking lot). According to 16-23-420, “the provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, do not apply to when the firearm remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.”

WHERE:

There is another exception that states, “for purposes of this section, the terms ‘premises’ and ‘property’ do not include state or locally owned or maintained roads, streets, or rights-of-way of them, running through or adjacent to premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, which are open full time to public vehicular traffic.”

This would imply that a person can openly carry a firearm on streets like Main, Devine, Green, etc., which cross the USC campus. In the interest of clarity and to provide safe places for our students, should any area that is not falling under this category be clearly marked with signs indicating that open or concealed carry of firearms is prohibited?

The lawful possession of firearms/exemption provided for state and city streets in and around USC has always been the case (i.e., with respect to a long gun, in a vehicle, or previously with a permit if carrying a pistol). The legal responsibility for recognizing whether one is on prohibited property or in a place where an exemption occurs lies with the person possessing the firearm. There are three primary reasons as to why we should not take on the very burdensome obligation of marking all property owned, operated, and/or controlled by the University. First, the University owns, operates, and controls over 230 buildings and over 400 acres of other property. It would be nearly impossible to properly mark every entry, angle, and aspect, and there is no legal obligation that we do so. Second, those carrying on or around the University should operate with a presumption that they are prohibited unless they have very clear and definitive knowledge otherwise. The State provides a blanket prohibition that we have used very effectively up until now. Third, we could actually risk providing grounds for a defense of someone if we fail to properly mark something, a sign is removed, etc. where we create some reasonable (or unreasonable) belief that property is not under our control.

What if a student enters a classroom openly carrying a firearm, perhaps because the student is naïve, or because the student wants to provoke without having any intention to use the firearm to do physical harm? What should the teacher do other than explaining the law and asking the student to leave campus immediately. Obviously, any act of triggering irrational responses should be avoided. Other students may panic when seeing an openly carried gun on a person entering the classroom. Any guidance would be appreciated. Note, this is a completely different situation as compared to an active shooter.

If someone observes someone that they believe to be unlawfully carrying a firearm, they should notify USCPD immediately (they can be reached directly via our non-emergency number 803-777-4215, via our safety app Rave Guardian/App Armor Carolina Safe, or 911). Our Security Operations Center Analyst who takes the call will attempt to gather additional information to best inform the response of police officers responding to the call. The complainant should not attempt to engage with or educate the person possessing the weapon. If the incident is occurring during class and the professor believes the situation to be dangerous to himself or herself or to the class, he or she should consider other action within his or her authority including dismissing class.

If there is any indication that the person possessing the firearm is committing, about to commit, or intending physical harm or engaging in any sort of menacing behavior or attack, the complainant should call 911 immediately and report such. If it is unsafe to call, emergency assistance can also be surreptitiously summoned via our safety app.

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Additionally

USCPD has communicated guidance on the South Carolina Constitutional Carry/Second Amendment Preservation Act of 2024 via social media (Facebook, X/Twitter, and Instagram). We have also conducted internal training for our staff in the event that they are asked questions by members of the public.



USC Police ✓
@USCPD



With recent passage of the SC Constitutional Carry/Second Amendment Preservation Act of 2024, the USC Police Department reminds students, faculty, staff and visitors that it is still illegal to carry a firearm anywhere on campus.



8:20 PM · Mar 22, 2024 · **718** Views

References:

excerpt from the bill:

https://www.scstatehouse.gov/sess125_2023-2024/bills/3594.htm

South Carolina Constitutional Carry, Second Amendment Preservation Act of 2024

Concealed weapon permits

SECTION 3. Section 16-23-20 of the S.C. Code is amended to read:

Section 16-23-20. (A) It is unlawful, whether or not the person has a concealed weapon permit, for anyone to carry about the person any handgun, whether concealed or not, unless otherwise specifically authorized by law into a:

- (1) law enforcement, correctional, or detention facility;
- (2) courthouse, courtroom, or other publicly owned building, whether owned by the State, a county, a municipality, or other political subdivision, where court is held and during the time that court is in session;
- (3) polling place on election days;
- (4) office of or 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 appropriate entity;
- (10) residence or dwelling place of another person without the express permission of the owner or person in legal control or possession of the residence or dwelling place, as appropriate; or
- (11) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises in compliance with Section [23-31-235](#). A person who violates a provision of this item, whether the violation is wilful or not, only may be charged with a violation of Section [16-11-620](#) and must not be charged with or penalized for a violation of this subsection.

SECTION 6. Section 16-23-420 of the S.C. Code is amended to read:

Section 16-23-420.

(A) It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property. The provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, do not apply to when the firearm remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

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

Section 6-23-420 (E) was not mentioned in sources such as these:

From SLED: H. 3594 – Constitutional Carry Guidance

To Chiefs, Sheriffs, and Law Enforcement Officers:
<https://www.sled.sc.gov/forms/regulatory/Constitutional%20Carry%20Guidance.pdf>

From Post and Courier

https://www.postandcourier.com/politics/sc-handgun-open-carry-law-2024/article_36687286-dc8c-11ee-8a84-33f028b71b07.html

Asking colleagues and students about this also showed that most people do not know whether or how the new open carry law applies to USC. I propose for the Upper Administration or USC Police Department to send a clear message to all students and USC employees explaining the new law and providing advice for how to handle violations.

from SLED

H. 3594 – Constitutional Carry Guidance

To Chiefs, Sheriffs, and Law Enforcement Officers:
<https://www.sled.sc.gov/forms/regulatory/Constitutional%20Carry%20Guidance.pdf>

Prohibited Locations [excerpts potentially relevant for USC]

5) school or college athletic event not related to firearms

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

(11) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises in compliance with Section 23-31-235.

from Post and Courier

https://www.postandcourier.com/politics/sc-handgun-open-carry-law-2024/article_36687286-dc8c-11ee-8a84-33f028b71b07.html

Can handguns be carried anywhere now? Can private businesses exclude them or government buildings like a courthouse, city hall or library?

No. The bill McMaster signed includes numerous, specific places where guns cannot be carried. These include sensitive places such as:

- Police stations, jails and prisons.

- An active courtroom.
- Polling places on election days.
- The office or meeting place of the governing body of a county, public school district, municipality or special purpose district.
- Day care or preschool facilities.
- Hospitals, medical clinics, doctor's offices or any other facility where medical services or procedures are performed.
- Federal facilities where the open carry of firearms is prohibited.

As for collegiate sporting events: Absolutely not. The bill has a specific ban on carrying weapons to any school or college athletic event that is "not related to firearms."

That said, you are still required to secure your weapon while on any property owned by a school or face a felony charge with a maximum fine of \$5,000, five years in prison or both.