

GrassRoots GunRights

P.O. Box 2446
Lexington, SC 29071

February 23, 2009

The Honorable Bruce W. Bannister,
SC House of Representatives
Post Office Box 11867
Columbia, SC 29211

RE: H. 3298

Dear Representative Bannister,

H. 3298 would allow a person to possess a handgun “stowed under a seat” in a vehicle in addition to the already existing allowances for possession 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.”

Unfortunately, H. 3298 is poorly drafted and will create problems for gun owners. Section 16-23-10(10) specifically prohibits stowing a handgun under a vehicle’s seat. Yet, H. 3298 fails to address the conflict created between Section 16-23-20(9) as amended by H. 3298 and Section 16-23-10(10) if left unamended. Rather than leave this conflict for the courts to sort out after some poor gun owner is arrested and prosecuted, it would be better to save both that poor gun owner and the court the time and expense of litigation by fixing the legislative drafting problem now.

GrassRoots GunRights proposes H. 3298 be amended to include amending Section 16-23-10(10) as follows:

Section 16-23-10(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, ~~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.~~

The above GrassRoots GunRights proposed amendment will resolve the conflict between Section 16-23-10(10) and the language in existing H. 3298.

While at first glance one might question why a person would want to keep a handgun under the seat of a vehicle, there actually are times when keeping the handgun under a seat is a preferred location. For example:

- * Some gun owners would like to have a gun safe installed under the seat of their vehicle for safe storage of their handgun. But, under existing SC law, doing so would be illegal.
- * Many vehicles are built with appropriate storage bins under the seat. Stowing a handgun under the seat could be the most convenient alternative since some of those vehicles do not have a console and the glove box is full of other things.
- * A concealed weapon permit holder driving a high riding SUV might find it preferable to store his self defense side arm under the driver's seat when needing to disarm to enter a prohibited carry location. It is easier for many to disarm while standing up than it is to do while seated. Thus, stepping out of his vehicle and then storing the handgun under the driver's seat would be more convenient than trying to climb back into the vehicle to store it in a glove compartment or console.

Law enforcement officer safety is not an issue here since it would be easier for a miscreant to retrieve a handgun from the console under existing law than it would be to retrieve it from under a seat under the proposed law. Plus, if a miscreant meant to shoot an officer in the first place, the handgun would most likely be in the miscreant's hand, not stored somewhere in the vehicle.

GrassRoots GunRights supports H. 3298 if amended as proposed above to resolve the conflict with Section 16-23-10(10). Please save gun owners and the courts from being forced to resolve the conflict created between Section 16-23-20(9) as amended by H. 3298 and Section 16-23-10(10) if left unamended. Thank you.

Sincerely,



Robert D. Butler, J.D.
VP, GrassRoots GunRights