

GrassRoots GunRights

P.O. Box 2446 Lexington, SC 29071 <http://www.SCFirearms.org>

March 17, 2008

The Honorable Glenn F. McConnell
South Carolina Senate
P.O. Box 142
Columbia, SC 29202

RE: H. 3212

Dear Senator McConnell:

The Knotts/Anderson amendment to H. 3212 - the concealed weapon permit (CWP) reciprocity bill - is so bad that South Carolina would not qualify for reciprocity with itself! So, how could that possibly lead to reciprocity with more states as claimed by its supporters?

There are serious problems with the Knotts/Anderson amendment. An analysis of H. 3212 shows H. 3212 should REDUCE the number of states with which SC has reciprocity, NOT increase the number. Also, H. 3212 is the first step in changing SC law to require re-qualification for CWP renewals. A full explanation of all that is wrong with the Knotts/Anderson amendment can be found on the GrassRoots GunRights web site at www.SCFirearms.org. In the interests of saving time and space, only the worst aspects of H. 3212 are being presented in this letter.

Existing SC CWP law makes a legal distinction between a **fingerprint review** and a **background check**. Section 23-31-215(B) states:

*Upon submission of the items required by subsection (A) of this section, **SLED must conduct or facilitate a local, state, and federal fingerprint review** of the applicant. **SLED must also 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. ... **If the fingerprint review and background check are favorable**, SLED must issue the permit.*
[emphasis added]

As shown immediately above, existing SC CWP law requires "a local, state, and federal fingerprint review," but explicitly requires only a **local** background check and by inference requires a state background check by SLED. SC CWP law fails to mention a federal background check as a requirement for obtaining a SC CWP.

The Knotts/Anderson amendment would change existing SC CWP law to allow CWP reciprocity ONLY if "the reciprocal state requires an applicant to successfully pass a state and **federal** criminal background check." The Knotts/Anderson amendment sets a higher

standard for CWP reciprocity than existing SC law does by explicitly requiring people from other states “to successfully pass a ... **federal criminal background check.**” SC CWP holders are not explicitly required to pass a federal criminal background check, only a federal fingerprint review.

The only result that can come from this change is to REDUCE the number of states with which SC can have reciprocity. It is quite possible SC would LOSE reciprocity with states with which SC currently has reciprocity due to the new standards imposed by the Knotts/Anderson amendment. If other states follow SC and also do not require a **federal background check** prior to issuing a CWP, then SC could lose reciprocity with those states with which SC currently has reciprocity. Ironically, SC would not qualify for reciprocity with itself under the new standards imposed by the Knotts/Anderson amendment!

It is claimed the Knotts/Anderson amendment would allow for reciprocity with states that require less than the eight (8) hour training course currently required by SC law in Section 23-31-210(5)(a). But, the words of the Knotts/Anderson amendment do not support such a claim or interpretation.

SC law does not provide for a different definition of “proof of training” for use by CWP holders in other states than it does for SC CWP holders. The Knotts/Anderson amendment does not change the law as to how many hours a “firearm training and safety” course must be - which is statutorily defined as eight (8) hours minimum for all. Thus, the Knotts/Anderson amendment could not possibly increase the number of states eligible for CWP reciprocity with SC, and any statement to the contrary is not supported by the facts.

Existing SC law explicitly provides for reciprocity with “those states which have permit issuance standards equal to or greater than the standards” set by SC law. The Knotts/Anderson amendment changes the SC CWP reciprocity law to allow reciprocity if “the reciprocal state requires an applicant to successfully pass a state and federal criminal background check and a course in firearm training and safety.” There is no longer a mention of SC CWP standards when dealing with reciprocity.

The Knotts/Anderson amendment is not designed to increase the number of states with which SC can have CWP reciprocity. The ulterior motive behind the Knotts/Anderson amendment is to lay the foundation for requiring CWP re-qualification every four years.

The unspoken reason for deleting reference to SC standards with regards to CWP reciprocity found in the Knotts/Anderson amendment is that such a change provides the opportunity to require CWP re-qualification every four years. It is no secret that Sen. Knotts has wanted to impose CWP re-qualification for years. But, doing so would have destroyed every existing CWP reciprocity agreement since no other state imposes such a requirement. The mandated re-qualification would be a great monetary opportunity/reward for NRA certified instructors, which would easily explain NRA support. But, re-qualification is not in the best interests of the people of SC generally or SC CWP holders in particular. It is not a change supported by GrassRoots GunRights and its members.

The fear mongers claim they are only protecting the people of SC by insisting on

CWP “training” prior to allowing people to carry a firearm pursuant to the CWP law. But, there is no evidence to support the claim that CWP “training” saves any lives. Yet, there is reliable evidence proving mandated CWP “training” actually costs lives when good people are deterred from obtaining a CWP due to the extra costs in time and money. Unfortunately, the facts do not matter to those with a political agenda or a financial interest.

GrassRoots GunRights urges you to repeal the Knotts/Anderson amendment and pass H. 3212 exactly as it came from the Senate Judiciary Committee. Otherwise, kill H. 3212 because the Knotts/Anderson amendment makes the SC CWP law worse than it is now.

Sincerely,

A handwritten signature in black ink that reads "R D Butler". The signature is written in a cursive, slightly slanted style.

Robert D. Butler, J.D.
Vice President
GrassRoots GunRights