

# GrassRoots GunRights

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

February 27, 2008

The Honorable Scott Talley  
South Carolina House of Representatives  
P.O. Box 11867  
Columbia, SC 29211

Re: H. 4243

Dear Rep. Talley:

GrassRoots appreciates the General Laws subcommittee entertaining amendments to H. 4243, which is a very flawed bill as originally drafted. GrassRoots proposed an amendment to H. 4243 in a letter to members of the General Laws subcommittee dated February 20, 2008, asking you to enact a new section of law dealing with concealed weapon permit (CWP) holders possessing handguns in vehicles. But, after listening to the testimony at the subcommittee meeting, GrassRoots proposes the following amendment to H. 4243:

**“Amend the bill, as and if amended, by striking all after the enacting words and inserting:**

**SECTION 1. Article 7, Chapter 31, Title 23 of the 1976 Code is amended by adding: Section 23-31-530. Notwithstanding any other law, a person who possesses a concealed weapon permit pursuant to Title 23, Chapter 31, Article 4 may possess a firearm in a vehicle anywhere in this state. However, a person in legal control of an individual private residence may prohibit firearms on such property by providing actual notice that no firearms are allowed.”**

**SECTION 2. This act expressly affects all pending actions or liabilities founded thereon, and does discharge, release or extinguish any penalty, forfeiture, or liability incurred prior to this act.**

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

Testimony from Rep. Kelly exposed the need to make the proposed new section of law dealing with CWP holders possessing firearms in vehicles applicable to all firearms, not just handguns. This change would allow legislators to possess rifles or shotguns in their vehicles on the capital grounds to use to go hunting after the legislative day, and to possess handguns for self defense while traveling to and from Columbia.

The new proposed law would no longer be appropriately placed in Title 23, Section 31, Article 4 - the concealed weapon permit law. Thus, the new GrassRoots proposed law dealing with CWP holders possessing firearms in vehicles needs to be placed in an appropriate place in the code of laws.

Press reports revealed legislators were routinely violating existing law prohibiting firearms on the capital grounds. Section 2 of the GrassRoots proposed amendment would protect legislators with a CWP from being prosecuted for such prior acts.

The issue of private property rights versus the individual right to effective self defense was raised after the General Laws subcommittee meeting. This issue is easily settled using guidance provided by the courts in similar cases.

Courts have consistently held there is a substantive difference between private residential property and private business property open to the public such as restaurants, shopping malls, businesses, hotels, motels, etc., etc.. While a private residential property owner can discriminate on virtually any criteria he so chooses, a private business property owner whose property is open to the public may not discriminate on the basis of issues that impact important public policy interests, i.e. race, religion, disability, etc.. The means to effectively defend one's life and the lives of others is an important public policy interest deserving of protection.

Wherever CWP holders are allowed to possess firearms, violent crime rates have dropped for all people - not just CWP holders. Thus, non gun owners, the elderly, the disabled, and children all benefit from an "umbrella of safety" effect due to criminals being afraid to ply their trade around CWP holders whose presence provides the "umbrella of safety."

"Gun free" zones have been shown to attract the criminal element. Virtually all mass public shootings occur only in places where CWP holders are prohibited from possessing a firearm. "Gun free" zones are not gun free. Rather, "gun free" zones are simply "free kill" zones.

All people, and especially business owners, should welcome a law that guarantees the right of CWP holders - the proven "good guys" who provide a cost free "umbrella of safety" effect - to possess firearms in their vehicles.

A law allowing CWP holders to possess firearms in their vehicles is good public policy because it provides a significant public benefit with no associated costs to the public. The GrassRoots proposed law would protect business owners from nuisance lawsuits seeking to hold businesses legally liable for allowing firearms on their business property because the business could not prohibit that which the law protects. Yet, the business property owners and those who visit such businesses would benefit from the "umbrella of safety" effect that CWP holders bestow upon those around them.

GrassRoots continues to oppose the unequal protection of the law in H. 4243, which would occur were legislators who possess a CWP to be given preferential treatment over all other CWP holders. GrassRoots urges the General Laws subcommittee to pass H.

4243 with the GrassRoots proposed amendment. The GrassRoots proposed amendment fixes the problems that Rep. Kelly was initially concerned with and does so without violating the equal protection of the law. The GrassRoots proposed amendment would also benefit the public safety at no cost to the state by expanding the “umbrella safety effect” to better protect the elderly, the disabled, and the children.

Sincerely,

A handwritten signature in black ink that reads "R D Butler". The letters are bold and slightly slanted, with a cursive flourish at the end of the word "Butler".

Robert D. Butler, J.D.  
Vice President