



DON'T WEAKEN SOUTH CAROLINA'S GUN LAWS: REJECT OPEN CARRY OF HANDGUNS (HB 3094)

- ❑ **Bottom Line:** Carrying firearms visibly in public, known as open carry, is a dangerous policy that makes it more likely that disagreements will turn violent. Open carry is opposed by law enforcement and the public. The legislature has previously rejected expanding South Carolina law to allow the open carry of handguns, but, even as white supremacists and other extremists throughout the country are open carrying at capitols to intimidate lawmakers, legislators in South Carolina are pushing this reckless policy again. Legislators should reject expanding open carry in South Carolina.
- ❑ **HB 3094 is a dangerous bill that would allow anyone with a permit to open carry handguns throughout the state.**
 - South Carolina has long prohibited the open carry of handguns, a strong statement in favor of public safety.¹ The state does allow people who undergo a background check and take firearm safety training to obtain a permit to carry a concealed handgun in public.²
 - HB 3094 would allow a person with a permit to open carry a handgun anywhere a person can currently carry concealed. This would allow people to open carry handguns at protests and demonstrations, playgrounds and other places children play, and bars and other places that serve alcohol. Businesses that currently allow concealed carry would be required to post a sign at every entrance if they wanted to prohibit the open carry of handguns in their stores and restaurants. In fact, when Texas allowed the open carry of handguns, some businesses that previously allowed people to carry concealed handguns decided to prohibit all firearms.³
 - There is a strong public safety argument for prohibiting the open carry of handguns even though South Carolina allows concealed carry of handguns with a permit: A visible gun has been found to make people more aggressive.⁴ Whether permitted or not, allowing people to open carry more guns makes it more likely that disagreements will turn into violent conflicts.
- ❑ **Open carry is opposed by the public and law enforcement.**
 - In a 2018 poll, **90 percent** of South Carolina voters—including **90 percent** of Republicans, **92 percent** of Democrats, **89 percent** of gun-owning households, and **90 percent** of households with permit holders—supported prohibiting people from openly carrying loaded handguns in public places.⁵
 - Law enforcement and the public understand that open carry is dangerous. One poll conducted in Texas before that state allowed the open carry of handguns showed that a significant portion of citizens opposed open carry.⁶ A survey of Texas police chiefs that year found that nearly 75 percent opposed open carry.⁷
 - Open carry makes it more difficult for law enforcement officers to do their job during active shooter situations. In the July 2016 mass shooting of five police officers in Dallas, Texas, the work of police officers was made more difficult as they struggled to distinguish between people openly carry guns as part of a demonstration and the shooter who had opened fire. After the shooting, both the police chief and the mayor said law enforcement couldn't tell



“good guys with guns” from “bad guys with guns” because it perfectly legal to walk around in public with an exposed firearm in Texas.⁸

❑ **Open carry is exploited by white supremacists and other extremist groups.**

- Members of hate groups and anti-government militias regularly openly carry guns in a show of intimidation.
- In advance of a planned “Unite the Right” White Nationalist rally in Charlottesville, VA on August 12, 2017, a self-styled “militia group” descended on the city, openly carrying handguns and military-style rifles. Later that day, a white supremacist rammed a car into a crowd of counter-protestors, killing one person and injuring 19 others.⁹
- In recent months, armed extremists have showed up at at state houses throughout the country openly displaying firearms in an attempt to intimidate lawmakers over the results of the 2020 elections and to protest actions taken to combat the COVID-19 pandemic.¹⁰ The FBI has warned South Carolina law enforcement of possible armed protests in Columbia in the weeks after the deadly insurrection at the U.S. Capitol.¹¹
- Extremists have also used demonstrations against police violence, spurred by the death of George Floyd, to openly display firearms to incite fear, suppress civil discourse, and threaten public safety.¹²

¹ S.C. Code § 16-23-20.

² S.C. Code § 16-23-20(20); S.C. Code § 23-31-215.

³ All Things Considered, “Texas’ New Open-Carry Law Unpopular Among Some Gun Owners,” NPR, Jan. 15, 2016, <https://www.npr.org/2016/01/15/463184909/texas-new-open-carry-law-unpopular-among-some-gun-owners>.

⁴ Jennifer Klimesmith, Tim Kasser, and Francis T. McAndrew, “Guns, Testosterone, and Aggression: An Experimental Test of a Mediation Hypothesis,” *Psychological Science* 17, no. 7 (2006). <http://faculty.knox.edu/fmcandre/guns-testo-aggress.pdf>.

⁵ SurveyUSA Mkt. Research Study. South Carolina Survey. Conducted 02/18/2018 - 02/19/2018.

⁶ Ross Ramsey, “UT/TT Poll: Voters Less Open to Open Carry,” *Dallas Tribune*, February 24, 2015, <https://www.texastribune.org/2015/02/24/utt-poll-voters-less-open-open-carry/>

⁷ Dallas Morning News, “75 percent of Texas Police Chiefs Responding to Survey Oppose Open Carry,” Feb. 2015, available at: <https://www.dallasnews.com/news/politics/2015/02/13/survey-of-nearly-200-texas-police-chiefs-shows-that-nearly-75-percent-oppose-open-carry>.

⁸ Associated Press, “*Friend or Foe? Open-Carry Law Poses Challenge to Police*,” Jul. 11, 2016, available at: <http://bigstory.ap.org/article/45f4d45b5f874c82a64228aa2ba95639/friend-or-foe-open-carry-law-poses-challenge-police>.

⁹ Washington Post, “Militiamen Came to Charlottesville As Neutral First Amendment Protectors Commander Says,” Aug. 13, 2017, available at: https://www.washingtonpost.com/local/trafficandcommuting/militiamen-came-to-charlottesville-as-neutral-first-amendment-protectors-commander-says/2017/08/13/d3928794-8055-11e7-ab27-1a21a8e006ab_story.html?utm_term=.1ecef02f6dec.

¹⁰ Abigail Censky, “Heavily Armed Protesters Gather Again at Michigan Capitol to Decry Stay-At-Home Order,” NPR, May 14, 2020, <https://www.npr.org/2020/05/14/855918852/heavily-armed-protesters-gather-again-at-michigans-capitol-denouncing-home-order>; see also Daniel Villarreal, “Michigan Closes Down Capitol in Face of Death Threats from Armed Protesters Against Gov. Whitmer,” *Newsweek*, May 14, 2020, <https://www.newsweek.com/michigan-closes-down-capitol-face-death-threats-armed-protesters-against-gov-whitmer-1504241>; Robert J. Spitzer, “Why Are People Bringing Guns to Anti-Quarantine Protests? To Be Intimidating,” *Washington Post*, April 27, 2020, <https://www.washingtonpost.com/outlook/2020/04/27/why-are-people-bringing-guns-anti-quarantine-protests-be-intimidating/>; Associated Press, “National Guard Called Out in Utah After Violence,” *Associated Press*, May 30, 2020, <https://www.8newsnow.com/news/national-guard-called-out-in-utah-after-violence/>; Erik Maulbetsch, “Denver Police Seized Assault Rifles from Anti-Govt Gun Activists at Friday Night Protest,” *Colorado Pols*, May 31, 2020, <https://www.coloradopols.com/diary/140698/denver-police-seized-assault-rifles-from-anti-govt-gun-activists-at-friday-night-protest>.

¹¹ Stephen Fastenau, “FBI Warns SC Law Enforcement of Possible Armed Protests in Columbia after US Capitol Riot,” *The Post and Courier (Columbia)*, Jan. 11, 2021, https://www.postandcourier.com/columbia/fbi-warns-sc-law-enforcement-of-possible-armed-protests-in-columbia-after-us-capitol-riot/article_871f3328-5453-11eb-b67e-f3377d555e27.html.



¹² Lauren Strapagiel, "Armed White Men Showed Up To A Black Lives Matter Protest In Indiana," BuzzFeed News, June 4, 2020, <https://www.buzzfeednews.com/article/laurenstrapagiel/crown-point-indiana-black-lives-matter-guns>.