

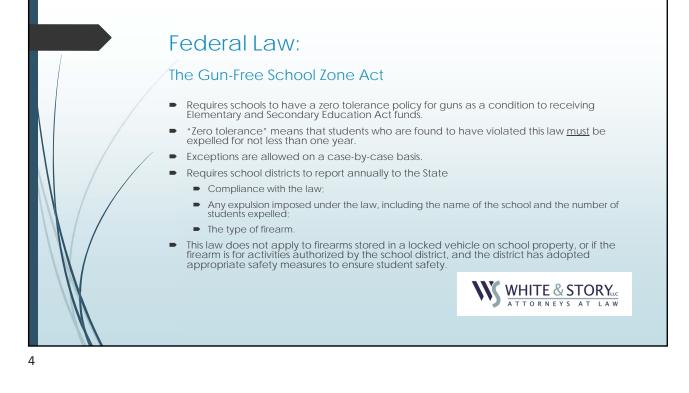
Federal Law:

The Gun-Free School Zones Act

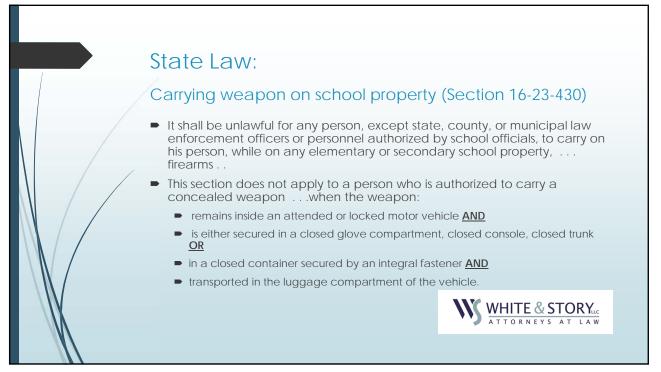
- Generally, it is unlawful to for anyone to knowingly possess a firearm within 1,000 feet from school grounds.
- This does not apply to private property not part of school grounds such as a commercial store, driveway, or residence.
- Once an individual leaves the private property located within 1,000 feet of the school grounds, the individual must met several criteria to continue lawfully possessing his/her firearm.
 - Must have a state-issued concealed weapons permit (CWP);
 - Firearm must be unloaded and stored in a locked container or locked firearms rack;
 - Individual must be approved to have the weapon through a school-approved program;
 Individual is acting in accordance with a contract between the individual and the school;
 - Individual is a law enforcement officer acting in his/her official capacity OR
 - Individual is crossing school grounds to enter public or private way
 - In this case, the firearm must be unloaded and individual must still have permission from the school.

WHITE & STORY





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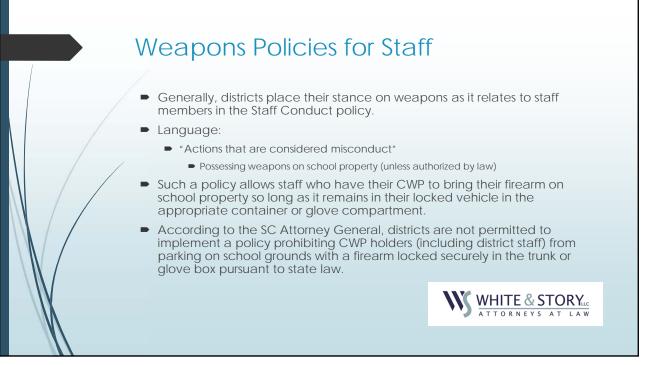


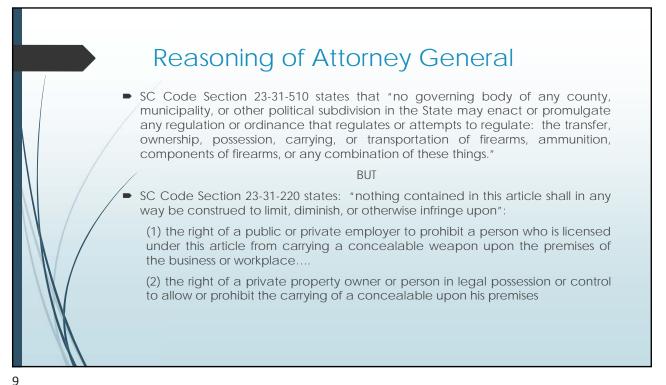
State Law: Expulsion of student determined to have brought firearm to school (Section 59-63-235)

- The district board must expel for no less than one year a student who is determined to have brought a firearm to a school or any setting under the jurisdiction of a local board of trustees. The expulsion must follow the procedures established pursuant to Section 59-63-240.
- The one-year expulsion is subject to modification by the district superintendent of education on a case-by-case basis. Students expelled pursuant to this section are not precluded from receiving educational services in an alternative setting.
- Each local board of trustees is to establish a policy which requires the student to be referred to the local county office of the Department of Juvenile Justice or its representative.

WHITE & STORY







Reasoning of AG cont.

- March 5, 2009 AG Opinion opined that, based on SC Code Section 23-31-220, Oconee County had the authority to pass an ordinance prohibiting the possession of firearms in county parks.
- December 7, 2010 AG Opinion reversed the earlier opinion, stating that SC Code Section 23-31-220(2) applies only to private property owners. That opinion does not, however, specifically address the right of a public employer to prohibit the possession of firearms in the workplace.
- September 30, 2014 AG Opinion states that the City of Traveler's Rest does not have the authority to enact an ordinance restricting concealed weapons from Trailblazer Park, even though, when the Park is used as a venue for concerts and other events, it serves as a workplace for City employees.

Takeaway: The AG does not have authority to definitively address what SC law on this issue means. Ultimately, a Court will have to interpret the law for clarification, either through a declaratory judgment action by a school district or other public body or as the result of a suit by a CWP holder who is denied the right to carry his/her weapon onto public property.



- CWP holders may <u>not</u> bring their weapon into a school <u>building</u> without permission from the district. The weapon must remain in a locked car, either in a closed glove box/console or in a locked container in the luggage compartment.
- CWP holders may not bring their weapon into the district office or to a school board meeting without permission from the district.
- The district has the sole discretion whether to grant that permission, and may revoke it at any time.

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