



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

August 20, 2008

Open Letter to South Carolina Federal Firearms Licensees

The purpose of this letter is to advise you that the recent amendment to Section 16-23-30, Code of Laws of South Carolina, 1976, relating to the unlawful sale of handguns to certain persons, so as to prohibit the sale of a handgun to persons under eighteen years of age rather than under twenty-one years of age has no effect on Federal firearms laws and regulations. Your obligations in the conduct of your business remain the same.

Change in South Carolina Law:

On April 2, 2008, South Carolina Governor Mark Sanford signed South Carolina House Bill 4364 into law. The new law, codified as an amendment to Section 16-23-30(A) of the 1976 Code of Laws of South Carolina, as amended, now provides as follows:

Sale of handguns, prohibitions

- A. It is unlawful for a person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale into this State any handgun to:
 1. a person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions, or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent;
 2. a person who is a member of a subversive organization;
 3. a person under the age of eighteen, but this shall not apply to the issue of handguns to members of the Armed Forces of the United States, active or reserve, National Guard, State Militia, or R.O.T.C., when on duty or training or the temporary loan of handguns for instructions under the immediate supervision of a parent or adult instructor; or
 4. a person who by order of a circuit judge or county court judge of this State has been adjudicated unfit to carry or possess a firearm, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or *sua sponte*, by the court, but a person who is the subject of such an application is entitled to reasonable notice and a proper hearing prior to any such adjudication.

Please remember that Federal law makes it unlawful for a Federal firearms licensee to sell or deliver a handgun to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age. See, 18 U.S.C. § 922(b)(1). The new South Carolina law has no effect on Federal law.

If you have any questions, you may contact the Charlotte Field Division at:

6701 Carmel Road
Suite 200
Charlotte, North Carolina 28226
(704)716-1800
FAX (704)716-1801

As always, we thank you for your cooperation.

A handwritten signature in black ink, appearing to read "Audrey Stucko".

Audrey Stucko
Acting Assistant Director
(Enforcement Programs and Services)