

MEMORANDUM OF AGREEMENT

between

The State of Texas

and

The State of South Carolina

concerning Handgun License Reciprocity for Concealed Carry

WHEREAS, the State of Texas has the authority to issue a Concealed Handgun License pursuant to V.T.C.A. Government Code § 411, Subchapter H; and

WHEREAS, the State of South Carolina has the authority to issue a Concealed Weapon Permit pursuant to the Code of Laws of South Carolina 1976 Annotated § 23-31-215; and

WHEREAS, the State of Texas is authorized to recognize the validity of a nonresident concealed handgun license if the Texas Attorney General determines that a background check of each applicant for a license issued by the other state is conducted by state or local authorities, or agent thereof, before the license is issued to determine the applicants' eligibility to possess a firearm under the Federal Gun Control Act (18 U.S.C. § 922); and

WHEREAS, the Texas Attorney General has made such affirmative determination, as detailed below*, with respect to the State of South Carolina; and

WHEREAS, the State of Texas is therefore authorized to recognize the validity of a South Carolina Concealed Weapon Permit pursuant to V.T.C.A. Government Code § 411.173 (b); and

WHEREAS, the State of South Carolina is authorized, pursuant to Code of Laws of South Carolina 1976 Annotated § 23-31-215 (N) to honor valid out-of-state permits to carry concealed weapons from states that honor South Carolina concealed weapon permits if such states have permit issuance standards equal to or greater than the standards set forth under South Carolina law; and

WHEREAS, the State of South Carolina has determined that the State of Texas has permit issuance standards equal to or greater than the standards set forth under South Carolina law; and

WHEREAS, Handgun License reciprocity between Texas and South Carolina is thus supported by the laws of both states;

NOW, THEREFORE, the parties do hereby agree as follows:

1. The State of Texas shall give full faith and credit to a valid Concealed Weapon Permit issued by the State of South Carolina; and
2. Given the preceding recognition by the State of Texas, the State of South Carolina shall give full faith and credit to a valid Concealed Handgun License issued by the State of Texas, to the fullest extent permissible under South Carolina law**; and
3. Persons carrying a concealed firearm pursuant to this Memorandum of Agreement shall comply with all applicable concealed carry laws, rules and regulations of the respective states, including, but

not limited to, age requirements and restrictions regarding the type of firearms that may be carried;
and

4. The state of Texas and the State of South Carolina will inform each other of any changes to their respective weapons statutes that may affect the eligibility of the recognition granted by each state pursuant to this Memorandum of Agreement.

*** The affirmative determination made by the Texas Attorney General is based solely on the status of South Carolina's concealed weapon permit as a "Brady Alternative" to a gun sale background check as determined by the Bureau of Alcohol, Tobacco and Firearms (BATF) (a status that requires that license eligibility determinations be made based on federal law), given that South Carolina's statute does not otherwise evidence that applicants must be eligible to possess a firearm under federal law. Therefore, this Memorandum of Agreement is contingent upon the continued status of South Carolina's concealed weapon permit as a "Brady Alternative" as determined by the BATF.**

**** In accordance with the Code of Laws of South Carolina 1976 Annotated § 23-31-215 (N), the State of South Carolina may honor valid out-of-state permits held only by residents of a reciprocal state. Therefore, Texas concealed handgun licenses issued to non-resident Texans under V.T.C.A. Government Code § 411.173 are not eligible for reciprocal recognition under this Agreement.**

This Memorandum of Agreement becomes effective on the date of the final signature and shall continue in effect unless modified by mutual written consent, or terminated by either state upon thirty (30) days' written notice. This document is not intended to limit or restrict the statutory authority or jurisdiction of either state.


RICK PERRY

Governor of Texas


ROBERT M. STEWART

Chief, South Carolina Law Enforcement Division

DATE 2/23/05

DATE 2-14-05

I hereby certify that a background check of each applicant for a license issued by the State of South Carolina is conducted by South Carolina or its local authorities, or an agent of the State of South Carolina or its local authorities, before the license is issued to determine the applicants' eligibility to possess a firearm under federal law.*


GREG ABBOTT
Attorney General of Texas