



HENRY McMASTER  
GOVERNOR

May 21, 2024

The Honorable Thomas C. Alexander  
President of the South Carolina Senate  
State House, Second Floor  
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-200, S. 1166 which seeks to require prosecutors in South Carolina to dismiss all pending charges for unlawful possession of a handgun pursuant to section 16-23-20 of the South Carolina Code of Laws, as recently amended by the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024, if those charges “were nullified” by that Act.

As a former United States Attorney and South Carolina Attorney General, I have great respect and admiration for prosecutors and recognize the important role that prosecutorial discretion plays in our criminal justice system. I am therefore wary of any attempt to limit that authority and discretion. Every case is unique, and the prosecutors in our State should be permitted to evaluate each case based on the law and the facts. Some charges might warrant dismissal; other charges may warrant continued prosecution. Unfortunately, S. 1166 would universally strip prosecutors of the ability to make such individualized determinations.

I am also skeptical of, and opposed to, S. 1166’s mandatory, blanket dismissals of pending criminal charges for another reason: When the defendants who would benefit from these dismissals committed their alleged crimes, their alleged actions were, in fact, unlawful. To be sure, those actions might not be illegal today, but that distinction misses the critical point that such actions were illegal at the time they were committed. I have repeatedly noted by belief in the importance of upholding and adhering to the Rule of Law, which requires not only that everyone follow the law as written but also that the law apply equally to every person. If a person disobeys the law, consequences—including potentially criminal prosecution—may follow, even if a person believes a law should be changed. If that law is ultimately changed, blanket dismissals are rarely the answer for previous violations of that law, and they are not the answer here.

The Honorable Thomas C. Alexander  
Page 2  
May 21, 2024

For the foregoing reasons, I am respectfully vetoing R-200, S. 1166 and returning the same without my signature.

Yours very truly,

A handwritten signature in black ink, appearing to read "Henry McMaster", written in a cursive style.

Henry McMaster