

- VEST FIRST RESPONDER -

## HELP FOR HEROES

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# SOUTH CAROLINA

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## Self-Defense Law Reference Guide

*Stand Your Ground | Castle Doctrine (Dwelling, Vehicle, Business) | Criminal & Civil Immunity | Arrest Authority Limits | First Responder Protections*

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### CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

*Intended exclusively for VEST Certified Trainers. Not a substitute for legal counsel.*

South Carolina's Protection of Persons and Property Act (SC Code SS. 16-11-410 through 16-11-450) provides one of the most comprehensive self-defense frameworks in the Southeast. The Act combines Stand Your Ground (no duty to retreat anywhere a person is lawfully present), a Castle Doctrine presumption covering dwelling, residence, occupied vehicle, and place of business, both criminal and civil immunity, and limits on law enforcement's arrest authority when self-defense is asserted. South Carolina's first-responder assault protections are found in Chapter 3 of Title 16 and provide felony-level consequences for attacks on on-duty EMS and fire providers.

| STATUTE                 | SUBJECT MATTER                                                                |
|-------------------------|-------------------------------------------------------------------------------|
| SC Code S. 16-11-420    | Intent and Findings - Protection of Persons and Property Act                  |
| SC Code S. 16-11-440(A) | Castle Doctrine Presumption - Dwelling, Residence, Occupied Vehicle, Business |
| SC Code S. 16-11-440(C) | Stand Your Ground - No Duty to Retreat at Any Lawful Location                 |
| SC Code S. 16-11-450(A) | Criminal Immunity for Justified Force                                         |
| SC Code S. 16-11-450(B) | Civil Immunity for Justified Force; Limits on Arrest Authority                |
| SC Code S. 16-3-600(E)  | Assault and Battery - 2nd Degree Enhanced for First Responders                |
| SC Code S. 16-3-612     | Assault and Battery Against Emergency Medical Services Provider - Felony      |

## PART I: THE SOUTH CAROLINA SELF-DEFENSE FRAMEWORK

### SC Code S. 16-11-440(C) - Stand Your Ground (No Duty to Retreat)

*"A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person or to prevent the commission of a violent crime as defined in Section 16-1-60." - SC Code S. 16-11-440(C)*

South Carolina's Stand Your Ground provision is broad and explicit. It applies at any lawful location - including, but not limited to, a person's place of business. 'Violent crime' as defined in S. 16-1-60 includes a wide range of offenses, and force to prevent any violent crime is justified without retreat. The standard is reasonable belief.

### SC Code S. 16-11-440(A) - Castle Doctrine (Four Protected Locations)

*"A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to himself or another person when using deadly force that is intended or likely to cause death or great bodily injury to another person if the person: (1) against whom the deadly force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcibly entered a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from the dwelling, residence, or occupied vehicle; and (2) the person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred." - SC Code S. 16-11-440(A)*

The Castle Doctrine presumption covers: (1) dwelling, (2) residence (which includes temporary residences), (3) occupied vehicle, and (4) place of business (through S. 16-11-440(C)'s language). This four-location framework gives first responders Castle Doctrine presumption in their ambulance (vehicle), fire station (business/place of business), and any temporary residence they are lawfully occupying.

- Dwelling - home or permanent residential structure.
- Residence - any temporary or permanent residence, including hotel rooms.
- Occupied Vehicle - ambulance, fire apparatus, or any occupied motor vehicle.
- Place of Business - fire station, EMS base, hospital, or any business.

### SC Code SS. 16-11-450(A) and (B) - Criminal and Civil Immunity; Arrest Limits

South Carolina provides both criminal immunity and civil immunity for persons who use justified force. Under S. 16-11-450(A), a person who uses force as permitted by the Protection of Persons and Property Act is justified and immune from criminal prosecution. Under S. 16-11-450(B), a law enforcement agency may use standard investigative techniques but may not arrest a person who claims lawful force unless there is probable cause that the force used was unlawful. This arrest-authority limitation is one of the strongest procedural protections available.

#### LIMITS ON ARREST AUTHORITY - A MEANINGFUL PROCEDURAL PROTECTION:

SC Code S. 16-11-450(B)'s limitation on law enforcement arrest authority means that when a person claims justified force under the Protection of Persons and Property Act, law enforcement cannot arrest them unless there is probable cause that the force was unlawful. This is a meaningful early protection - it reduces the risk of arrest even before a formal immunity hearing. VEST trainers should ensure participants understand this protection and the importance of asserting a self-defense claim at the scene.

## PART II: DUTY TO RETREAT - SOUTH CAROLINA'S POSITION

South Carolina has NO duty to retreat. SC Code S. 16-11-440(C) explicitly provides that a person 'has no duty to retreat and has the right to stand his ground' anywhere they are lawfully present and not engaged in unlawful activity.

- No retreat required at any lawful location, including any EMS or fire scene.
- Castle Doctrine presumption for dwelling, residence, occupied vehicle, and place of business.
- Criminal and civil immunity for justified force.
- Arrest authority limited when self-defense is asserted.
- Exception: Must not be engaged in unlawful activity.
- Exception: Must not have provoked the confrontation without clearly withdrawing.

## PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

### SC Code S. 16-3-612 - Assault and Battery Against EMS Provider

South Carolina created a specific felony offense for assault and battery against an emergency medical services provider while on duty. This standalone statute ensures that any physical assault against an on-duty South

Carolina EMS provider is treated as a serious criminal offense with felony-level consequences. The statute requires that the attacker know or have reason to know the victim is an EMS provider performing official duties.

### SC Code S. 16-3-600(E) - Assault and Battery Second Degree (Enhanced for Emergency Personnel)

Assault and battery in the second degree (causing moderate bodily injury or occurring during circumstances showing extreme indifference to human life) carries enhanced penalties when the victim is a law enforcement officer, firefighter, or emergency medical services provider engaged in official duties. The statute specifically names firefighters and EMS providers as a protected class requiring enhanced criminal response.

- Standalone EMS assault statute (S. 16-3-612) for any assault on an on-duty EMS provider.
- Enhanced second-degree assault provisions for firefighters and EMS providers on duty.
- Felony-level consequences for attacks on on-duty South Carolina first responders.

#### TRAINER EMPHASIS:

South Carolina's standalone EMS assault statute (S. 16-3-612) is an important signal of legislative intent to protect EMS providers specifically. Combined with the enhanced assault provisions for firefighters and EMS in S. 16-3-600(E), South Carolina creates layered felony-level accountability for attacks on first responders.

## PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

South Carolina does not have a statewide statutory chokehold ban. Police neck restraint policy is governed by the South Carolina Criminal Justice Academy (SCCJA) and individual agency use-of-force policies.

- NO statewide statutory chokehold ban as of 2024-2025.
- SCCJA training standards address high-risk force techniques.
- Individual agencies may adopt more restrictive policies.

#### FIRST RESPONDERS VS. LAW ENFORCEMENT:

South Carolina's law enforcement use-of-force standards do not apply to civilian EMS and fire personnel in personal self-defense. An EMS provider or firefighter is evaluated under the Protection of Persons and Property Act. There is no statutory restriction on civilian South Carolina first responders using any defensive technique in genuine life-safety self-defense.

## PART V: APPLYING VEST PRINCIPLES UNDER SOUTH CAROLINA LAW

### 1. South Carolina Provides Comprehensive Stand Your Ground and Immunity

South Carolina's Protection of Persons and Property Act provides Stand Your Ground, four-location Castle Doctrine, and dual criminal/civil immunity - one of the strongest combined frameworks in the Southeast. VEST training reinforces these rights through professional de-escalation, graduated force continuum, and thorough documentation.

### 2. Ambulance, Station, and Business All Carry Castle Doctrine Presumption

SC Code S. 16-11-440's presumption covers the vehicle (ambulance), the place of business (fire station/EMS base), and any dwelling or temporary residence. VEST compartment security, station security, and indoor scene safety training support all three of these legal protections.

### **3. Arrest-Authority Limits - Assert Your Claim at the Scene**

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SC Code S. 16-11-450(B)'s arrest-authority limitation is most effective when invoked at the scene. A provider who clearly asserts a self-defense claim provides law enforcement with the notice required to trigger the arrest-authority limitation. VEST incident management training should address how to appropriately communicate a self-defense claim at the scene.

### **4. De-Escalation Documents Reasonableness**

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Even with Stand Your Ground and immunity, South Carolina's 'reasonably believes necessary' standard requires genuine proportionality. VEST Level I de-escalation curriculum creates the record that force was a last resort - supporting the justification and the immunity claim.

### **5. Partner Defense Is Fully Covered**

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SC Code S. 16-11-440(C) explicitly covers use of force to prevent great bodily injury to 'another person.' VEST Level III partner defense training is directly grounded in this statute. The same Stand Your Ground no-retreat rule and immunity provisions apply to defense of a partner.

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## **LEGAL DISCLAIMER**

*This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. South Carolina Code of Laws Title 16, Chapter 11 (Protection of Persons and Property Act) are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies.*

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