**South Carolina General Assembly**

125th Session, 2023-2024

**S. 638**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Rankin

Document Path: SJ-0040BM23.docx

Introduced in the Senate on March 15, 2023

Currently residing in the Senate

Summary: Voluntary Waiver of Firearm Rights

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/15/2023 Senate Introduced and read first time (Senate Journal‑page 12)

 3/15/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 12)

 3/30/2023 Senate Referred to Subcommittee: Climer (ch), Sabb,
 Rice, Harpootlian, Adams

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**VERSIONS OF THIS BILL**

[03/15/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/638_20230315.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23‑31‑1100 relating to firearms, so as TO REQUIRE the SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO ESTABLISH THE South Carolina Voluntary Do‑Not‑Sell Firearms List TO PROVIDE A LIST OF NAMES TO FIREARMS DEALERS’ BACKGROUND CHECK SYSTEM OF THOSE INDIVIDUALs WHO VOLUNTARILY WAIVE THEIR RIGHT TO PURCHASE A FIREARM; BY ADDING SECTION 23‑31‑1110 TO SPECIFY REQUIREMENTS OF APPLICATION TO THE DO‑NOT‑SELL FIREARMS LIST AND REQUESTS FOR REMOVAL; AND BY ADDING SECTION 23‑31‑1120 TO PROVIDE THAT It is unlawful for any person who is required to perform a background check prior to the transfer of a firearm to knowingly sell OR deliver a firearm to any person on the Voluntary Do‑Not‑Sell Firearms List AND TO PROVIDE PENALTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 31, Title 23 of the S.C. Code is amended by adding:

 Article 12

 Voluntary Waiver of Right to Purchase a Firearm

 Section 23‑31‑1100. (A) For purposes of this article:

 (1) “the list” means the South Carolina Voluntary Do‑Not‑Sell Firearms List;

 (2) “SLED” means the South Carolina Law Enforcement Division.

 (B) The South Carolina Law Enforcement Division shall establish the South Carolina Voluntary Do‑Not‑Sell Firearms List to prohibit the possession, transportation, and sale of firearms to any person who voluntarily registers himself to be enrolled into the list. SLED shall maintain and update the list, and the list shall be used to advise a firearms dealer if law enforcement records indicate a buyer or transferee of firearms is prohibited from purchasing, possessing, or transporting a firearm. SLED shall promulgate any regulations and develop any policies for the implementation of this article.

SECTION 2. Chapter 31, Title 23 of the S.C. Code is amended by adding:

 Section 23‑31‑1110. (A) Any person eighteen years of age or older may apply in writing to the South Carolina Law Enforcement Division to request voluntary enrollment into the Voluntary Do‑Not‑Sell Firearms List and, after being enrolled into the list, may apply in writing to SLED to request removal from such list. The application for enrollment into and removal from the list shall be on forms prescribed by SLED and may be submitted in person to any publicly accessible law enforcement agency location of the State. Pursuant to subsection (D), the forms shall state that any person enrolled into the list shall not be removed from the list until not less than fourteen days after receiving an application for removal. SLED shall make the forms available on the agency's website.

 (B) The person requesting enrollment into or removal from such list shall provide to the receiving law enforcement agency a valid form of photo identification issued by a governmental agency of the applicant's state of residency or by the U.S. Department of Defense or U.S. State Department, a copy of which must accompany the enrollment or removal form. The receiving law enforcement agency must submit the application to SLED within twenty‑four hours of receipt.

 (C) Upon enrolling a person into the list, SLED shall forward a person's eligibility to purchase a firearm to all appropriate state and federal firearm purchase eligibility databases. SLED shall also notify such person by mail confirmation that he has been enrolled into the list, along with information and instructions relating to removal from the list.

 (D) SLED shall not remove any person from the list until no less than fourteen days after receipt of the person's removal request. Upon removal of a person's name from the list, SLED shall update such person's eligibility to purchase a firearm to all appropriate state and federal firearm purchase eligibility databases and shall destroy all records of enrollment into and request for removal from the list.

 (E) The list is a nonpublic record and is not subject to release under the Freedom of Information Act.

SECTION 3. Chapter 31, Title 23 of the S.C. Code is amended by adding:

 Section 23‑31‑1120. (A) It is unlawful for any person who is required to perform a background check prior to the transfer of a firearm to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale into this State a firearm to any person on the Voluntary Do‑Not‑Sell Firearms List.

 (B) It is unlawful for any person to knowingly give any false information or to make any false statement with the intent of enrolling or removing any other person into or from the list.

 (C) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

SECTION 4. This act takes effect six months after approval by the Governor.

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