**South Carolina General Assembly**

125th Session, 2023-2024

**R200, S1166**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Tedder, Stephens and Rice

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Introduced in the Senate on March 14, 2024

Introduced in the House on April 23, 2024

Last Amended on May 7, 2024

Currently residing in the Senate

Governor's Action: May 21, 2024, Vetoed
Legislative veto action(s): Pending

Summary: Dismissal of pending handgun possession charges

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/14/2024 Senate Introduced and read first time ([Senate Journal‑page 5](h:\sj\20240314.docx))

3/14/2024 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](h:\sj\20240314.docx))

4/4/2024 Senate Recalled from Committee on **Judiciary** ([Senate Journal‑page 3](h:\sj\20240404.docx))

4/17/2024 Senate Amended ([Senate Journal‑page 68](h:\sj\20240417.docx))

4/17/2024 Senate Read second time ([Senate Journal‑page 68](h:\sj\20240417.docx))

4/17/2024 Senate Roll call Ayes-43 Nays-0 ([Senate Journal‑page 68](h:\sj\20240417.docx))

4/18/2024 Senate Read third time and sent to House ([Senate Journal‑page 13](h:\sj\20240418.docx))

4/23/2024 House Introduced and read first time ([House Journal‑page 16](h:\hj\20240423.docx))

4/23/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 16](h:\hj\20240423.docx))

5/1/2024 House Committee report: Favorable with amendment **Judiciary**

5/7/2024 House Amended ([House Journal‑page 128](h:\hj\20240507.docx))

5/7/2024 House Read second time ([House Journal‑page 128](h:\hj\20240507.docx))

5/7/2024 House Roll call Yeas-112 Nays-2 ([House Journal‑page 129](h:\hj\20240507.docx))

5/8/2024 House Read third time and returned to Senate with amendments ([House Journal‑page 298](h:\hj\20240508.docx))

5/9/2024 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 42](h:\sj\20240509.docx))

5/9/2024 Senate Roll call Ayes-44 Nays-0 ([Senate Journal‑page 42](h:\sj\20240509.docx))

5/15/2024 Ratified R 200

5/21/2024 Vetoed by Governor

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=1166&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/14/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1166_20240314.docx)

[04/04/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1166_20240404.docx)

[04/17/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1166_20240417.docx)

[05/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1166_20240501.docx)

[05/07/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1166_20240507.docx)

**NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.**

(R200, S1166)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY Amending SECTION 17‑1‑65, relating to the EXPUNGEMENT OF CONVICTIONS FOR THE UNLAWFUL POSSESSION OF HANDGUNS THAT OCCURRED BEFORE THE ENACTMENT OF THE S.C. Constitutional carry/second amendment preservation act of 2024, SO AS TO PROVIDE THE STATE MUST DISMISS CERTAIN PENDING UNLAWFUL HANDGUN POSSESSION CHARGES THAT OCCURRED PRIOR TO THIS ACT, TO PROVIDE THE DISMISSAL OF THESE CHARGES DOES NOT MANDATE THE DISMISSAL OF OTHER RELATED CHARGES OR MAY SERVE AS A BASIS OR SUPPORT FOR CIVIL ACTIONS DUE TO THE ARREST.

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

Dismissal of pending handgun possession charges

SECTION 1. Section 17-1-65 of the S.C. Code is amended to read:

Section 17-1-65. (A) A person may apply for an expungement of one conviction for unlawful possession of a handgun as provided in Section 16-23-20, if the conviction occurred prior to the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024. An application under this section must be made within five years of the enactment of this section.

(B) The State must dismiss all charges pending against a person for unlawful possession of a handgun pursuant to Section 16-23-20 that were nullified by the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024, notwithstanding the savings clause contained in SECTION 25 of that act. However, if such unlawful possession of a handgun charge was used as probable cause for another offense arising from the same incident, this section does not mandate that those associated charges be dismissed. Dismissal of the Section 16-23-20 charge may not serve as a basis or support for any civil action due to the arrest of the Section 16‑23‑20 charge by law enforcement officers or prosecutors.

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2024.

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President of the Senate

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Speaker of the House of Representatives

Approved the \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2024.

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Governor

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