**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3024**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Kirsh, Toole and Gilliard

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Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Discharging firearms

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑25

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑25

1/15/2009 House Member(s) request name added as sponsor: Gilliard

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3024_20081209.docx)

**A** **BILL**

TO AMEND SECTION 16‑23‑440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCHARGING A FIREARM AT OR INTO A DWELLING, A STRUCTURE, AN ENCLOSURE, AND A VEHICLE OR EQUIPMENT, SO AS TO INCREASE THE MAXIMUM PENALTY FROM TEN TO FIFTEEN YEARS AND ADD THAT IT IS UNLAWFUL FOR A PERSON TO DISCHARGE A FIREARM AT OR INTO THE PREMISES OR PROPERTY OWNED BY A PRIVATE OR PUBLIC SCHOOL AND TO PROVIDE A PENALTY.

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

SECTION 1. Section 16‑23‑440 of the 1976 Code is amended to read:

“Section 16‑23‑440. (A) It is unlawful for a person to discharge or cause to be discharged ~~unlawfully firearms~~ a firearm at or into a dwelling house, ~~other~~ another building, structure, or enclosure regularly occupied by persons. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than ~~ten~~ fifteen years, or both.

(B) It is unlawful for a person to discharge or cause to be discharged ~~unlawfully firearms~~ a firearm at or into any vehicle, aircraft, watercraft, or ~~other~~ another conveyance, device, or equipment while it is occupied. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than ~~ten~~ fifteen years, or both.

(C) It is unlawful for a person to discharge or cause to be discharged a firearm at or into any premises or property owned, operated, or controlled by a private or public school including, but not limited to, an elementary school, a secondary school, college, university, technical college, or another post‑secondary institution. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than fifteen years, or both.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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