**A** **BILL**

TO AMEND ARTICLE 5, CHAPTER 23, TITLE 16, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OFFENSES INVOLVING WEAPONS, BY ADDING SECTION 16‑23‑425 SO AS TO CREATE THE CRIME OF POSSESSION OF FIREARMS OR AMMUNITION BY A PERSON WHO HAS BEEN CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR, TO PROVIDE THAT A VIOLATION IS A FELONY, TO PROVIDE FOR A PENALTY OF NOT MORE THAN TWO THOUSAND DOLLARS OR IMPRISONMENT OF NOT MORE THAN FIVE YEARS, OR BOTH, AND TO PROVIDE FOR THE DISPOSITION OF THE FIREARMS OR AMMUNITION.

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

SECTION 1. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16‑23‑425. (A) It is unlawful for a person who has been convicted of a crime punishable by imprisonment for a term exceeding one year to possess firearms or ammunition within this State.

(B) This section does not apply to a person who has been convicted of any:

(1) federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offense relating to the regulation of business practices; or

(2) state offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

(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.

(D) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms or ammunition in this State for a firearm or ammunition or any other equipment approved by the agency, or destroy it. A weapon must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm or ammunition, the division may keep the firearm or ammunition for use by its forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies under the provisions of this section.”

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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