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**S. 939**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Kimpson

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Introduced in the Senate on January 13, 2016

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

Summary: Offenses involving weapons

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/2/2015 Senate Prefiled

12/2/2015 Senate Referred to Committee on **Judiciary**

1/13/2016 Senate Introduced and read first time ([Senate Journal‑page 38](file:///h:\SJ%20Archive\2016\01-13-16.docx))

1/13/2016 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 38](file:///h:\SJ%20Archive\2016\01-13-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=939&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/2/2015](file:///p:\pprever\2015-16\939_20151202.docx)

**A** **BILL**

TO AMEND ARTICLE 3 CHAPTER 23, TITLE 16 OF 1976 CODE, RELATING TO OFFENSES INVOLVING WEAPONS, TO ADD THE TERM “ASSAULT WEAPON”; TO MAKE IT UNLAWFUL TO TRANSPORT, STORE, KEEP, POSSESS, HAVE IN POSSESSION, PERMIT ANOTHER TO STORE, KEEP, POSSESS, OR HAVE IN POSSESSION, SELL, RENT, GIVE AWAY, OR PARTICIPATE IN ANY MANNER, DIRECTLY OR INDIRECTLY, IN THE SALE, RENTING, GIVING AWAY, OR OTHERWISE DISPOSING OF AN ASSAULT WEAPON; AND TO PROVIDE EXCEPTIONS TO THIS PROHIBITION; TO AMEND ARTICLE 5, CHAPTER 31, TITLE 23 OF THE 1976 CODE, RELATING TO USE AND POSSESSION OF MACHINE GUNS, SAWED‑OFF SHOTGUNS AND RIFLES, TO ADD THE TERM “ASSAULT WEAPON” AND TO INCLUDE THIS FIREARM IN THE EXCEPTIONS OF THE ARTICLE.

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

SECTION 1. Section 16‑23‑210 of the 1976 Code is amended by adding:

“(h) ‘Assault weapon’ applies to semi‑automatic firearms with a large magazine of ammunition that are designed and configured for rapid fire and combat use. This term does not apply to firearms used for sport or hunting.”

SECTION 2. Sections 16‑23‑220 through 16‑23‑250 of the 1976 Code are amended to read:

“Section 16‑23‑220. It is unlawful for a person to transport from one place to another in this State or for any railroad company, express company, or other common carrier or any officer, agent, or employee of any of them or other person acting in their behalf knowingly to ship or to transport from one place to another in this State a machine gun or firearm commonly known as a machine gun, military firearm, sawed‑off shotgun, ~~or~~ sawed‑off rifle, or an assault weapon, except as provided in Sections 16‑23‑250 and 23‑31‑330.

A person who violates the provisions of this section, upon conviction, must be punished pursuant to Section 16‑23‑260.

Section 16‑23‑230. It is unlawful for a person to store, keep, possess, or have in possession or permit another to store, keep, possess, or have in possession a machine gun or firearm commonly known as a machine gun, military firearm, sawed‑off shotgun, ~~or~~ sawed‑off rifle, or an assault weapon, except as provided in Sections 16‑23‑250 and 23‑31‑330.

A person who violates the provisions of this section, upon conviction, must be punished pursuant to Section 16‑23‑260.

Section 16‑23‑240. It is unlawful for a person to sell, rent, give away, or participate in any manner, directly or indirectly, in the sale, renting, giving away, or otherwise disposing of a machine gun, or firearm commonly known as a machine gun, military firearm, sawed‑off shotgun, ~~or~~ sawed‑off rifle, or an assault weapon, except as provided in Sections 16‑23‑250 and 23‑31‑330.

A person who violates the provisions of this section, upon conviction, must be punished pursuant to Section 16‑23‑260.

Section 16‑23‑250. The provisions of this article do not apply to the Army, Navy, or Air Force of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns, military firearms, ~~or~~ sawed‑off shotguns, ~~or~~ sawed‑off rifles, or assault weapons from the United States or from this State and the members of these organizations. Any peace officer of the State or of a county or other political subdivision, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of a state prison, correction facility, workhouse, county jail, city jail, or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or persons on duty in the postal service of the United States or a common carrier while transporting direct to a police department, military, or naval organization or person authorized by law to possess or use a machine gun, ~~or~~ sawed‑off shotgun, ~~or~~ sawed‑off rifle, or an assault weapon, may possess machine guns, ~~or~~ sawed‑off shotguns, ~~or~~ sawed‑off rifles, ~~or~~ sawed‑off shotguns, ~~or~~ sawed‑off rifles, or assault weapons, when required in the performance of their duties. The provisions of this section must not be construed to apply to machine guns, ~~or~~ sawed‑off shotguns, ~~or~~ sawed‑off rifles, or assault weapons kept for display as relics and which are rendered harmless and not usable.

The provisions of this article do not apply to any manufacturer of machine guns, or military firearms, or assault weapons licensed pursuant to the provisions of 18 U. S. C. Section 921 et seq., any person authorized to possess these weapons by the United States Department of the Treasury, the Bureau of Alcohol, Tobacco and Firearms, or any other federal agency empowered to grant this authorization, any common or contract carrier transporting or shipping any machine gun, ~~or~~ military firearm, or assault weapon to or from the manufacturer if the transportation or shipment is not prohibited by federal law, or persons licensed pursuant to Section 23‑31‑370.”

SECTION 3. Section 16‑23‑280 of the 1976 Code is amended to read:

“Section 16‑23‑280. Notwithstanding the provisions of this article, machine guns, ~~or~~ military firearms, or assault weapons manufactured by a firm licensed by the federal government and subject to the Federal Gun Control Act may be legally manufactured, transported, possessed, and sold within the State by the manufacturer thereof.”

SECTION 4. Section 23‑31‑310 of the 1976 Code is amended by adding:

“(h) ‘Assault weapon’ applies to semi‑automatic firearms with a large magazine of ammunition that are designed and configured for rapid fire and combat use. This term does not apply to firearms used for hunting and sporting.”

SECTION 5. Sections 23‑31‑320 through 16‑32‑330(A) of the 1976 Code are amended to read:

“Section 23‑31‑320. The provisions of this article shall not apply to the Army, Navy, or Air Force of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns, military firearms, ~~or~~ sawed‑off shotguns, ~~or~~ sawed‑off rifles, or assault weapons from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of any state prison, penitentiary, workhouse, county jail, city jail, or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military, or naval organization or person authorized by law to possess or use a machine gun, ~~or~~ sawed‑off shotgun, ~~or~~ sawed‑off rifle, or an assault weapon, may possess machine guns, ~~or~~ sawed‑off shotguns, ~~or~~ sawed‑off rifles, or assault weapons, when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns, ~~or~~ sawed‑off shotguns, ~~or~~ sawed‑off rifles, or assault weapons kept for display as relics and which are rendered harmless and not usable.

The provisions of this article shall not apply to any manufacturer of machine guns, ~~or~~ military firearms, or assault weapons licensed pursuant to the provisions of 18 U. S. C. Section 921 et seq., nor to any common or contract carrier transporting or shipping any machine guns, ~~or~~ military firearms, or assault weapons to or from such manufacturer if the transportation or shipment is not prohibited by federal law. Any such manufacturer shall furnish to the South Carolina Law Enforcement Division the serial numbers of all machine guns, ~~or~~ military firearms, or assault weapons manufactured by it within thirty days of such manufacture and shall be subject to the penalties provided in Section 23‑31‑340 for noncompliance.”

Section 23‑31‑330. (A) Every person permitted by Section 23‑31‑320 to possess a machine gun, ~~or~~ sawed‑off shotgun, ~~or~~ sawed‑off rifle, or an assault weapon, and any person elected or appointed to any office or position which entitles the person to possess a machine gun, ~~or~~ sawed‑off shotgun, ~~or~~ sawed‑off rifle, or an assault weapon, upon taking office, shall file with the State Law Enforcement Division on a blank to be supplied by the division on request an application which is properly sworn. The application must be approved by the sheriff of the county in which the applicant resides or has his principal place of business and include the applicant’s name, residence and business address, physical description, whether or not ever charged or convicted of any crime, municipal, state, or otherwise, and where, if charged, and when it was disposed of. The applicant shall also give a description including the serial number and make of the machine gun, ~~or~~ sawed‑off shotgun, ~~or~~ sawed‑off rifle, or an assault weapon which he possesses or desires to possess. The State Law Enforcement Division shall file the application in its office. The division shall register the applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number, and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has the a machine gun, ~~or~~ sawed‑off shotgun, ~~or~~ sawed‑off rifle, or an assault weapon in his possession. This registration must be made on the date application is received and filed with the division. The registration expires on December thirty‑first of the year in which the license is issued.”

SECTION 6. Sections 23‑31‑360 through 23‑31‑370(a) of the 1976 Code are amended to read:

“Section 23‑31‑360. Machine guns, ~~or~~ military firearms, or assault weapons manufactured by a firm licensed by the federal government and subject to the Federal Gun Control Act may be legally possessed by the manufacturer without being registered with the State Law Enforcement Division. The manufacturing firm shall furnish to SLED the serial numbers of all machine guns, ~~or~~ military firearms, or assault weapons manufactured by it within thirty days of their manufacture and it is subject to the penalties provided in Section 23‑31‑340 for noncompliance.

Section 23‑31‑370. (a) The South Carolina Law Enforcement Division may issue a special limited license for the possession, transportation, and sale of machine guns or assault weapons in this State to persons: (1) who are authorized representatives of a machine gun or an assault weapon manufacturer or dealer engaged in demonstrating and selling them to agencies authorized by law to possess them, or (2) who are engaged in professional movie‑making or providing services to professional movie‑makers who use machine guns or assault weapons as regulated by this article in the course of creating movie ‘special effects’.”

SECTION 7. This act takes effect upon approval by the Governor.

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