COMMITTEE REPORT

March 18, 2015

**H. 3116**

Introduced by Reps. Pitts, Hixon, Kennedy, Yow, Clemmons and Huggins

S. Printed 3/18/15--H.

Read the first time January 13, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3116) to amend the Code of Laws of South Carolina, 1976, by adding Article 9 to Chapter 31, Title 23 so as to provide that certain persons who knowingly solicit, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 9

Fraudulent Firearms and Ammunition Purchase Prevention

Section 23‑31‑700. (A) For purposes of this section:

(1) ‘Licensed dealer’ means a person who is licensed pursuant to federal and state law to engage in the business of dealing in firearms.

(2) ‘Private seller’ means a person who sells or offers for sale any firearm or ammunition in this State.

(3) ‘Ammunition’ means a cartridge, shell, or projectile designed for use in a firearm.

(4) ‘Materially false information’ means information that portrays an illegal transaction as legal or a legal transaction as illegal.

(B) It is unlawful for a person to knowingly solicit, persuade, encourage or entice a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this State.

(C) It is unlawful for a person to knowingly provide to a licensed dealer or private seller of firearms or ammunition materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition.

(D) It is unlawful for a person to wilfully procure another person to engage in conduct prohibited by this section.

(E) This section does not apply to a law enforcement officer certified by law enforcement of South Carolina acting in his official capacity or to a person acting at the direction of a law enforcement officer certified by law enforcement of South Carolina.

(F) A person who violates a provision of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.”

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

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO PROVIDE THAT CERTAIN PERSONS WHO KNOWINGLY SOLICIT, PERSUADE, ENCOURAGE, OR ENTICE A LICENSED DEALER OR PRIVATE SELLER OF FIREARMS OR AMMUNITION IN VIOLATION OF STATE OR FEDERAL LAW, OR KNOWINGLY PROVIDE THAT PERSON WITH MATERIALLY FALSE INFORMATION TO DECEIVE HIM ABOUT THE LEGALITY OF A TRANSFER OF A FIREARM OR AMMUNITION, OR WILFULLY PROCURE ANOTHER PERSON TO ENGAGE IN CERTAIN ILLEGAL ACTIVITIES ARE GUILTY OF A FELONY, TO PROVIDE PENALTIES, AND TO PROVIDE CERTAIN TERMS AND THEIR DEFINITIONS THAT RELATE TO THESE OFFENSES.

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

SECTION 1. Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 9

Fraudulent Firearms and Ammunition Purchase Prevention

Section 23‑31‑700. (A) For purposes of this section:

(1) ‘Licensed dealer’ means a person who is licensed pursuant to federal and state law to engage in the business of dealing in firearms.

(2) ‘Private seller’ means a person who sells or offers for sale any firearm or ammunition in this State.

(3) ‘Ammunition’ means a cartridge, shell, or projectile designed for use in a firearm.

(4) ‘Materially false information’ means information that portrays an illegal transaction as legal or a legal transaction as illegal.

(B) It is unlawful for a person to knowingly solicit, persuade, encourage or entice a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this State or the United States.

(C) It is unlawful for a person to knowingly provide to a licensed dealer or private seller of firearms or ammunition materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition.

(D) It is unlawful for a person to wilfully procure another person to engage in conduct prohibited by this section.

(E) This section does not apply to a law enforcement officer acting in his official capacity or to a person acting at the direction of a law enforcement officer.

(F) A person who violates a provision of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.”

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

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