



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
 (803)734-0640 • RFA.SC.GOV/IMPACTS

**Bill Number:** S. 0527 Introduced on March 9, 2017  
**Author:** Hembree  
**Subject:** Handguns  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** March 8, 2018

**Estimate of Fiscal Impact**

	<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>State Expenditure</b>		
General Fund	Undetermined	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
<b>State Revenue</b>		
General Fund	Undetermined	\$0
Other and Federal	\$0	\$0
<b>Local Expenditure</b>	\$0	\$0
<b>Local Revenue</b>	\$0	\$0

**Fiscal Impact Summary**

The expenditure and revenue impact of this bill, which makes it unlawful for a person to sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale any handgun to a person who is under the age of eighteen, is undetermined due to the lack of empirical data on the number of such offenses.

**Explanation of Fiscal Impact**

**Introduced on March 9, 2017**

**State Expenditure**

This bill makes it unlawful for a person to sell, offer to sell, deliver, lease, rent, barter, exchange, or transport for sale any handgun to a person who is under the age of eighteen. This provision does not apply to the issuance of handguns to members of federal or state military members when on duty or training, or the temporary loan of handguns for instruction under the immediate supervision of a parent or adult instructor.

The bill amends and adds to definitions related to offenses involving weapons. In provisions related to the unlawful carrying of a handgun and the forfeiture and disposition of handguns, the bill replaces the term “handgun” with “firearm” or “firearm and ammunition.” It also expands the restrictions for persons selling, offering to sell, delivering, leasing, renting, bartering, exchanging, transporting for sale into the state, or otherwise disposing of any firearm or ammunition to a person if there is reasonable cause to believe that the person meets certain legal, medical, or other conditions. Persons meeting these conditions are also prohibited from possessing or attempting to possess firearms or ammunition. The bill also makes it unlawful for a

person to buy, sell, transport, pawn, receive, or possess a stolen firearm or a firearm from which the original serial number has been removed or obliterated.

Additionally, the bill revises the penalty schedule for offenses involving weapons. Currently, unlawful acts involving weapons, with the exception of the unlawful carrying of a handgun, are felony offenses punishable by a fine of not more than \$2,000 or imprisonment for not more than five years, or both, as well as confiscation of the weapon by law enforcement. The bill creates a multi-tiered penalty schedule for first, second, and third or subsequent offenses of unlawful acts involving weapons except for the unlawful carrying of a handgun. Persons convicted of a first offense are guilty of a misdemeanor punishable by a fine of not more than \$2,500 or imprisonment for not more than three years, or both. Persons convicted of a second offense are guilty of a felony punishable by a fine of not more than \$5,000 or imprisonment for not more than five years, or both. Persons convicted of a third or subsequent offense are guilty of a felony that requires a mandatory prison sentence of not less than one year nor more than ten years.

The bill provides that persons who are convicted for a first offense of the unlawful carrying of a handgun or unlawfully selling, offering to sell, delivering, leasing, renting, bartering, exchanging, or transporting for sale in this state any handgun to a person who is under the age of eighteen are guilty of a misdemeanor punishable by a fine of not more than \$1,000 or imprisonment for one year, or both. Persons convicted of a second offense are guilty of a misdemeanor punishable by a fine of not more than \$2,500 or imprisonment for not more than three years, or both. Persons convicted of a third offense are guilty of a felony punishable by a fine of not more than \$5,000 or imprisonment for not more than five years, or both.

For any conviction involving weapons offenses, the firearm or ammunition involved in the violation must be confiscated by law enforcement. Firearms received by a law enforcement agency in this manner may not be released to an innocent owner until all legal proceedings have terminated and until the owner has provided proof of ownership, certified that he was neither a consenting party to nor had knowledge of the unlawful use of the firearm, and certifies that he will not release the firearm to the person charged with the violation that caused the confiscation of the weapon. An innocent owner must recover his firearm from a law enforcement agency within thirty days of notification that the weapon is ready for release; otherwise, the agency may maintain or dispose of the firearm.

The bill also repeals Sections 16-23-500 (unlawful possession of a firearm by a person convicted of violent offense; confiscation; return of firearm to innocent owner) and 23-31-1040 (unlawful for a person adjudicated as a mental defective or committed to a mental institution to ship, transport, possess, or receive a firearm or ammunition; penalty; confiscation).

**Judicial Department.** This proposed legislation revises provisions involving weapons offenses, specifically those involving firearms. The bill preserves the general ban on minors possessing handguns, expands coverage from handguns to firearms and ammunition, increases the categories of persons to whom transmission of firearms and ammunition is unlawful and makes it unlawful for those persons to possess or attempt to possess firearms or ammunition, increases penalties for some offenders, and increases penalties for all second or subsequent offenses.

The offenses created by this proposed legislation would be handled in general sessions court and may result in juvenile proceedings in family court. As the bill expands the conduct that is defined as criminal, additional hearings may be heard in general sessions and family courts. However, as this legislation alters the definitions of the offenses and increases the penalties, there is no existing data with which to estimate the number of additional hearings or trials that may be initiated as a result. The department expects to manage any expenditure impact within existing General Fund resources.

**Commission on Prosecution Coordination.** The commission reports that as this bill creates new offenses, there is no existing data with which to estimate the number of additional hearings or trials that may be initiated. Therefore, the commission indicates the fiscal impact is undetermined.

**Commission on Indigent Defense.** The commission reports that as this bill creates new offenses, there is no existing data with which to estimate the number of additional hearings or trials that may be initiated. Therefore, the commission indicates the fiscal impact is undetermined.

**State Revenue**

Due to the lack of empirical data, including information on the patterns of arrests, convictions, and sentencing, the state revenue impact of this bill on the General Fund is undetermined.

**Local Expenditure**

N/A

**Local Revenue**

N/A



---

Frank A. Rainwater, Executive Director