**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑23‑540 SO AS TO DEFINE NECESSARY TERMS, TO CREATE THE OFFENSE OF UNLAWFUL DISCHARGING OF A FIREARM IN UNINCORPORATED AREAS WITHOUT APPROPRIATE SAFETY MEASURES, TO PROVIDE A PENALTY, AND TO PROVIDE EXCEPTIONS.

Whereas, the General Assembly recognizes that certain unincorporated areas of the State are densely populated and the inherent dangers involving the discharging of firearms near the property of others is a matter that should be addressed to ensure the safety of others while narrowly tailoring a remedy to ensure the protection of the citizens of the State; and

Whereas, it is in the best interests of our citizens to protect their health, welfare, and safety by requiring owners of property who choose to discharge firearms on their property, or allow others to discharge firearms on their property, to put in place minimal, appropriate safety measures. Now, therefore,

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 16‑23‑540. (A) For purposes of this section, the term:

(1) ‘Appropriate safety measures’ means the erection of a backstop, berm, or similar device designed so that a projectile discharged from a firearm at a target would not reasonably be expected to escape its boundaries by virtue of the trajectory of the projectile.

(2) ‘Backstop’ means a manmade or natural barrier or berm that serves to stop bullets and prevents the escape of such projectiles onto the property of another that is wider than the target area, at a minimum depth of eighteen to twenty‑four inches, and built at a slope that does not generate ricochets.

(3) ‘Berm’ means an embankment used for restricting bullets to a given area and may include, but is not limited to, hillsides or earthen embankments.

(B) It is unlawful for a person who owns property or who is the lawful occupant of property located in unincorporated areas of the State to engage in the discharging of a firearm on his property, or who permits such activity involving the discharging of a firearm by others on his property, without appropriate safety measures in place. The provisions of this section apply to activities including, but not limited to, target practice or target shooting. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(C) The provisions of this section:

(1) are in addition to any other offense as provided by law and do not prohibit conviction of another, more serious offense; and

(2) do not apply to:

(a) conduct specifically contained in Section 23‑31‑510;

(b) conduct related to lawful hunting activities as regulated by law;

(c) a law enforcement officer or member of the armed forces in the lawful performance of his official and lawful duties;

(d) permitted events as part of a sporting event or other theatrical, ceremonial, military, or similar event utilizing blank ammunition.”

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

‑‑‑‑XX‑‑‑‑