**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3119**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Gilliam, Burns, Chumley, McCravy, V.S. Moss, Haddon, G.R. Smith, Forrest, Hill, Gagnon, Jones, Taylor, Thayer, Bailey, Huggins, Yow, McCabe, Dabney, Magnuson, Kimmons, Willis and M.M. Smith

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Introduced in the House on January 12, 2021

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

Summary: Firearms

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 79](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 79](file:///h:\hj\20210112.docx))

1/14/2021 House Member(s) request name added as sponsor: Hill, Gagnon

1/27/2021 House Member(s) request name added as sponsor: Jones, Taylor

2/2/2021 House Member(s) request name added as sponsor: Thayer, Bailey

2/3/2021 House Member(s) request name added as sponsor: Huggins, Yow

3/3/2021 House Member(s) request name added as sponsor: McCabe, Dabney

3/10/2021 House Member(s) request name added as sponsor: Magnuson, Kimmons

3/23/2021 House Member(s) request name added as sponsor: Willis, M.M.Smith

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3119&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3119_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑190 SO AS TO PROVIDE THAT CERTAIN INDIVIDUALS MAY NOT PARTICIPATE IN THE ENFORCEMENT OF ANY UNCONSTITUTIONAL LAW REGARDING PERSONAL FIREARMS, FIREARM ACCESSORIES, OR AMMUNITION, TO PROVIDE PENALTIES, AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. Article 1, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 6‑1‑190. (A) Notwithstanding any other provision of law, an agent, department, employee, or official of this State, or a political subdivision of this state, while acting in his official capacity may not:

(1) knowingly and willingly participate in the enforcement of any unlawful act regarding personal firearms, firearm accessories, or ammunition; or

(2) utilize any assets or funds to engage in any activity that aids in the enforcement or investigation relating to an unlawful act in connection with personal firearms, firearm accessories, or ammunition.

(B) An ‘unlawful act’ consists of any federal, state, or local act, law, order, rule, ordinance or regulation which restricts an individual’s constitutional right to keep and bear arms, including any federal, state, or local act, law, order, rule, ordinance, or regulation which bans or effectively bans registers or effectively limits the lawful use of firearms, firearm accessories, or ammunition, other than a fully automatic firearm which may be made unlawful by federal law. Any such ‘unlawful act’ is invalid in this State and may not be recognized in this State and is null, void, and of no effect in this State and includes, but is not limited to:

(1) a tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services on the purchase or ownership of those items by citizens;

(2) a registration or tracking of firearms, firearm accessories, or ammunition;

(3) a registration or tracking of the owners of firearms, firearm accessories, or ammunition;

(4) an act forbidding the possession, ownership, use, or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age of eighteen and over, other than pursuant to federal law background check requirements for transfers or purchases through federal firearms license dealers;

(5) an act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens;

(6) a prohibition, regulation, or use restriction related to the ownership or the constitutionality guaranteed lawful use or carry of nonfully automatic firearms; and

(7) a prohibition, regulation, or use restriction limiting hand grips, stocks, flash suppressors, bayonet mounts, magazine capacity, bump stocks, suppressors, or types of ammunition available for sale, possession, or use by citizens.

(C)(1) Anyone within the jurisdiction of this State accused to be in violation of this section may be liable for declaratory and injunctive relief, damages, and attorneys’ fees. Sovereign, official, and qualified immunity are not affirmative defenses in cases pursuant to this section.

(2) Any person who violates the provisions of this section may be subject to a civil fine equal to two thousand dollars.

(D) Any law enforcement official may enforce the provisions of this section.

(E)(1) The protections provided to citizens by this section do not apply to persons who have been convicted of felony crimes or who are prohibited from possessing firearms under federal law.

(2) This section is not intended to prohibit or affect the prosecution of any crime for which the use of, or possession of, a firearm is an aggravating factor or enhancement to an otherwise independent crime.

(3) This section does not permit or otherwise allow the possession of firearms in federal buildings.

(4) This section does not prohibit individuals in this State from participating in permitting, licensing, registration, or other processing of applications for concealed carry permits, or other firearm, firearm accessory, or ammunition, license or registration process that may be required by law.”

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

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