

Session 117 - (2007-2008)

S 1198 General Bill, By Lourie

Summary: Domestic Violence Homicide Prevention Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "DOMESTIC VIOLENCE HOMICIDE PREVENTION ACT" SO AS TO PROVIDE A PROCEDURE FOR THE SURRENDER OF FIREARMS OWNED BY A PERSON CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE; BY ADDING SECTION 16-25-130 SO AS TO CREATE THE OFFENSE OF FAILURE TO SURRENDER A FIREARM AFTER CONVICTION FOR A CRIMINAL DOMESTIC VIOLENCE OFFENSE AND TO PROVIDE A PENALTY; BY ADDING SECTION 16-25-140 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO KNOWINGLY SELL A FIREARM TO A PERSON CONVICTED OF A CRIMINAL DOMESTIC VIOLENCE OFFENSE AND TO PROVIDE A PENALTY; TO AMEND SECTION 16-3-1750, AS AMENDED, RELATING TO RESTRAINING ORDERS AGAINST PERSONS ENGAGED IN HARASSMENT OR STALKING, SO AS TO INCLUDE CRIMINAL DOMESTIC VIOLENCE OFFENSES IN THE LIST OF OFFENSES THE MAGISTRATES COURT HAS JURISDICTION OVER AN ACTION SEEKING A RESTRAINING ORDER, TO ALLOW THE COURT TO ORDER THE SURRENDER OF FIREARMS IF THE COURT FINDS IMMINENT DANGER EXISTS, AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING IF IMMINENT DANGER EXISTS; TO AMEND SECTION 16-25-10, AS AMENDED, RELATING TO DEFINITIONS FOR THE PURPOSES OF CRIMINAL DOMESTIC VIOLENCE, SO AS TO ADD A DEFINITION OF "FIREARM"; TO AMEND SECTION 17-15-40, RELATING TO CONDITIONS OF RELEASE, SO AS TO REQUIRE THE COURT TO ORDER A PERSON CHARGED WITH A VIOLENT OFFENSE TO SURRENDER ALL FIREARMS AS A CONDITION OF BOND, TO ALLOW THE COURT TO ORDER A PERSON CHARGED WITH A CRIMINAL DOMESTIC VIOLENCE OFFENSE TO SURRENDER ALL FIREARMS AS A CONDITION OF BOND IF REQUESTED BY OR WITH THE CONSENT OF THE VICTIM, AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING IMMINENT DANGER; AND TO AMEND SECTION 20-4-60, AS AMENDED, RELATING TO ORDERS OF PROTECTION, SO AS TO ADD THAT IF AN ORDER OF PROTECTION IS ISSUED AND THE COURT FINDS IMMINENT DANGER EXISTS, THE COURT MAY ORDER THE SURRENDER OF FIREARMS AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING IMMINENT DANGER.

03/12/08 Senate Introduced and read first time SJ-4

03/12/08 Senate Referred to Committee on Judiciary SJ-4

03/17/08 Senate Referred to Subcommittee: Hawkins (ch), Sheheen, Lourie, Vaughn