

## Session 106 - (1985-1986)

### H\*2826 (Rat #0623, Act #0532 of 1986) General Bill, By M.S. Gulledge

A Bill to amend Section 16-23-50, as amended, Code of Laws of South Carolina, 1976, relating to penalties for persons found guilty of violating the provisions of Article 1 or Chapter 23 of Title 16 (offenses involving pistols), so as to provide that confiscated pistols may be transferred to another law enforcement agency for their lawful use, transfer them to the clerk of court or mayor who shall dispose of them as provided by Section 16-23-500 or trade them with a retail dealer licensed to sell pistols in this State for a pistol approved by the agency, delete the authority of the agency to destroy the pistol, and authorize the State Law Enforcement Division, if it seized the pistol, to use it in its forensic laboratory; to amend Section 16-23-250, relating to the exceptions to the provisions of Article 3 of Chapter 23 of Title 16 concerning machine guns, sawed-off shotguns, and rifles, so as to exempt dealers licensed under the provisions of the Federal Gun Control Act from the provisions of this Article and exempt from the provisions persons obtaining a special license; to amend Section 16-23-460, relating to the penalty of anyone confiscating or carrying a deadly weapon, so as to exempt from the provisions of this Section rifles or shotguns unless they are used with the intent to commit a crime or in the furtherance of a crime; to amend Section 16-23-500, relating to the requirement that the clerk of court in each county and the mayor of each municipality shall keep a written record of all weapons confiscated or forfeited, so as to authorize these individuals to sell by sealed bid to a licensed dealer, or destroy the weapon if it is a weapon described in Section 23-31-180; to amend Section 23-31-180, relating to the prohibition on selling or possessing a pistol or handgun which has a die-cast frame or receiver which melts at a temperature of less than eight hundred degrees fahrenheit, so as to provide that these pistols or handguns must be forfeited to the municipality where seized or to the county where seized if outside the corporate limits of a municipality instead of requiring that they be destroyed by the State Law Enforcement Division; to amend the 1976 Code by adding Sections 16-23-405 and 23-31-370 so as to provide for the definition of "weapon" and provide that in addition to any penalty the weapon used in furtherance of the crime must be confiscated, and provide for the disposition of these weapons; to provide for a special temporary license issued by the South Carolina Law Enforcement Division to persons whose occupations require them to possess, transport, and sell machine guns in this State, and to provide penalties for violations; to prohibit the governing body of any county, municipality, or other political subdivision from enacting or promulgating any regulation or ordinance which regulates the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of these things; provide that this Act does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public bandishment of firearms nor does it prevent the regulation during times of insurrection, invasions, riots, or natural disasters; and to repeal Sections 16-23-40 and 16-23-510 relating to the confiscation and destruction of pistols and the provisions requiring county police to destroy forfeited weapons if the population of that county is between thirty thousand and six hundred and thirty-two thousand.-amended title

04/12/85	House	Introduced and read first time HJ-3421
04/12/85	House	Referred to Committee on Judiciary HJ-3421
02/12/86	House	Committee report: Favorable Judiciary HJ-626
02/19/86	House	Read second time HJ-854
02/20/86	House	Read third time and sent to Senate HJ-888
02/26/86	Senate	Introduced and read first time SJ-750
02/26/86	Senate	Referred to Committee on Judiciary SJ-750
03/20/86	Senate	Committee report: Favorable with amendment Judiciary SJ-1132
04/01/86	Senate	Read second time SJ-1370
04/01/86	Senate	Ordered to third reading with notice of amendments SJ-1370
06/02/86	Senate	Amended SJ-3451
06/02/86	Senate	Read third time SJ-3451
06/02/86	Senate	Returned SJ-3451
06/03/86	House	Concurred in Senate amendment and enrolled HJ-3597
06/03/86	House	Reconsider vote whereby concurred & enrolled HJ-3599
06/03/86	House	Non-concurrence in Senate amendment HJ-3599
06/03/86	Senate	Senate insists upon amendment and conference committee appointed Sens. Courson, Powell, and Drummond SJ-3511
06/04/86	House	Conference committee appointed W.S. Anderson, Hearn & Toal HJ-3626
06/04/86	House	Free conference powers granted HJ-3699
06/04/86	House	Free conference committee appointed W.S Anderson, Hearn & Toal HJ-3701
06/04/86	Senate	Free conference powers granted SJ-3576

06/04/86	Senate	Free conference committee appointed Courson, Powell, and Drummond SJ-3576
06/05/86	House	Free conference report received HJ-3768
06/05/86	House	Free conference report adopted HJ-3772
06/05/86	Senate	Free conference report received SJ-3681
06/05/86	Senate	Free conference report adopted SJ-3685
06/05/86	House	Ordered enrolled for ratification HJ-3806
06/05/86		Ratified R 623
06/18/86		Signed By Governor
06/26/86		Effective date 06/18/86
06/26/86		Act No. 532
06/26/86		Sections 8A and 8B effective Aug. 1, 1986
06/26/86		Copies available