COMMITTEE REPORT

March 24, 2009

**H. 3673**

Introduced by Reps. Forrester, Parker, Duncan, Hiott, Allison, Cole, Cooper, Daning, Kelly, Littlejohn, Owens, M.A. Pitts, Rice, Stringer, Wylie, T.R. Young, J.R. Smith, D.C. Smith, Stewart, Millwood and Bedingfield

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Read the first time March 9, 2009.

**THE COMMITTEE ON**

**INVITATIONS AND MEMORIAL RESOLUTIONS**

To whom was referred a Concurrent Resolution (H. 3673) to express the opposition of the General Assembly of South Carolina to the Firearm Licensing and Record of Sale Act of 2009 recently introduced in the Congress which, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

HERB KIRSH for Committee.

**A** **CONCURRENT RESOLUTION**

TO EXPRESS THE OPPOSITION OF THE GENERAL ASSEMBLY OF SOUTH CAROLINA TO THE FIREARM LICENSING AND RECORD OF SALE ACT OF 2009 RECENTLY INTRODUCED IN THE CONGRESS WHICH WOULD, AMONG OTHER PROVISIONS, REQUIRE ALL FIREARM OWNERS TO APPLY FOR AND CARRY A FEDERALLY ISSUED PICTURE IDENTIFICATION IN ORDER TO KEEP ANY FIREARM IN THEIR HOMES, AND TO MEMORIALIZE THE CONGRESS TO CEASE AND DESIST FROM ATTEMPTING TO ENACT ANY FEDERAL LEGISLATION INFRINGING ON THE CONSTITUTIONAL RIGHT TO EVERY AMERICAN TO KEEP AND BEAR ARMS.

Whereas, the Second Amendment to the United States Constitution does not simply provide for a collective right or a right for the states to establish militias; rather it provides for the right of the people to keep and bear arms; and

Whereas, the primary purpose of the right to keep and bear arms is to protect one’s self, family, and possessions from either the private lawlessness of other persons or the tyranny of government; and

Whereas, the right to keep and bear arms also is meant to protect the general private uses of firearms in activities such as hunting and other sporting activities; and

Whereas, the United States Supreme Court in District of Columbia v. Heller, 128 S.Ct. 2783 (2008), recently struck down a firearms ban in the District of Columbia, explicitly ruling that the Second Amendment protects the right of the people to possess firearms for private use; and

Whereas, despite this ruling, legislation has been introduced in the United States House of Representatives calling for a system of mandatory federal licensing of all firearm owners; and

Whereas, the legislation introduced would require all firearm owners to apply for and carry a federally issued picture identification in order to keep any firearm in their homes; and

Whereas, the legislation introduced would make it a federal crime to keep a loaded firearm or an unloaded firearm and ammunition within any premises including, under certain circumstances, American homes where a child may be present; and

Whereas, the legislation introduced specifically purports to preempt any state or local law inconsistent with it; and

Whereas, the introduced legislation, the Firearm Licensing and Record of Sale Act of 2009, is a direct imposition on each American’s individual right to keep and bear arms in their homes and for their protection. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the South Carolina General Assembly, by this resolution, express opposition to the Firearm Licensing and Record of Sale Act of 2009 recently introduced in the Congress which would, among other provisions, require all firearm owners to apply for and carry a federally issued picture identification in order to keep any firearm in their homes.

Be it further resolved that the members of the General Assembly of South Carolina memorialize Congress to cease and desist from attempting to enact any federal legislation infringing on the constitutional right of every American to keep and bear arms.

Be it further resolved that a copy of this resolution be forwarded to the United States Senate, the United States House of Representatives, and to each member of the South Carolina Congressional Delegation.

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