**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3664**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.R. Smith, Brantley, Crawford, Corbin, McCoy, Gambrell, Hamilton, Herbkersman, Munnerlyn, Pitts, Willis and Hixon

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Introduced in the House on February 10, 2011

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

Summary: Storing of ammunition/firearms

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/10/2011 House Introduced and read first time ([House Journal‑page 43](file:///h:\hj%20archive\2011\02-10-11.docx))

2/10/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 43](file:///h:\hj%20archive\2011\02-10-11.docx))

3/27/2012 House Member(s) request name added as sponsor: Hixon

**VERSIONS OF THIS BILL**

[2/10/2011](file:///p:\pprever\2011-12\3664_20110210.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑31‑250 SO AS TO PROHIBIT A BUSINESS ENTITY, PROPERTY OWNER, OR PUBLIC OR PRIVATE EMPLOYER FROM CREATING OR MAINTAINING A POLICY WHICH PROHIBITS A PERSON FROM STORING LEGALLY POSSESSED AMMUNITION OR A FIREARM IN AN ENCLOSED COMPARTMENT OR AREA WITH THE PERSON’S PRIVATELY‑OWNED LOCKED MOTOR VEHICLE, AND TO PROVIDE CIRCUMSTANCES FOR WHICH A PERSON MAY BRING A CIVIL ACTION AGAINST A BUSINESS ENTITY, PROPERTY OWNER, OR PUBLIC OR PRIVATE EMPLOYER.

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

SECTION 1. The General Assembly finds that the intent of this act is to reinforce and protect the right of each citizen lawfully to transport and store legally possessed ammunition or firearms within his private motor vehicle for lawful purposes in any place where the motor vehicle is otherwise permitted to be.

SECTION 2. Article 4, Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Section 23‑31‑250. (A) As used in this section, the term ‘motor vehicle’ means as defined in Section 56‑1‑10.

(B) Notwithstanding another provision of law, a business entity, property owner or legal possessor, or public or private employer may not establish, maintain, or enforce a policy or rule that prohibits, or has the effect of prohibiting, a person from transporting or storing legally possessed ammunition or a firearm when the ammunition or firearm is locked out of sight within the trunk, glove box, or other enclosed compartment or areas within the person’s privately‑owned motor vehicle.

(C) A person who:

(1) is injured or incurs damages, or the survivors of a person killed, as a result of a violation of the provisions this section may bring a civil action in the appropriate court of competent jurisdiction against any business entity, property owner or legal possessor, or public or private employer who committed or caused the violation;

(2) may legally possess ammunition or a firearm but who is denied the opportunity to transport or store ammunition or a firearm may bring a civil action in the appropriate court of competent jurisdiction to enjoin any business entity, property owner or legal possessor, or public or private employer from violating the provisions of this section; and

(3) is discharged from employment by any business entity, property owner or legal possessor, or public or private employer for a violation of a policy or rule in violation of the provisions of this section is entitled to recovery and, if the demand for recovery is denied, then the person may bring a civil action in the appropriate court of competent jurisdiction and is entitled to the following relief:

(a) reinstatement to the same position held at the time of his wrongful termination from employment or an equivalent position;

(b) reinstatement of the person’s full employee benefits including, but not limited to, fringe benefits and seniority status achieved before the wrongful termination;

(c) compensation, if appropriate, of lost wages, benefits, or other lost remuneration caused by the wrongful termination; and

(d) payment of reasonable attorney’s fees and legal costs incurred as result of the wrongful termination.

(D) A business entity, property owner or legal possessor, or public or private employer may not be held liable in a civil action for damages, injuries, or death resulting from or arising out of another person’s actions involving legally possessed ammunition or a firearm transported or stored as authorized pursuant to this section including, but not limited to, the theft of ammunition or a firearm from a person’s motor vehicle unless the business entity, property owner or legal possessor, or public or private employer intentionally solicited or procured another person’s injurious actions.

(E) The provisions of this section do not apply to:

(1) the owner of an owner‑occupied single family detached residence or a tenant in a tenant‑occupied single family detached residence with respect to a motor vehicle parked on the grounds of the residential property; or

(2) facilities that operate under a security plan approved by a federal agency.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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