**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “JAYDEN’S LAW” BY ADDING SECTION 16‑23‑510 SO AS TO CREATE THE FELONY OFFENSE OF ILLEGAL POSSESSION OF FIREARM DURING THE COMMISSION OF CERTAIN OTHER OFFENSES CAUSING BODILY INJURY TO ANOTHER PERSON, TO PROVIDE A PENALTY, AND TO PROVIDE FOR CONFISCATION OF THE ILLEGALLY POSSESSED FIREARM.

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

SECTION 1. This act may be cited as “Jayden’s Law”.

SECTION 2. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16‑23‑510. (A) A person prohibited by the provisions of this article from possessing a firearm, as defined in Section 16‑23‑490, in this State and who while in possession of a firearm commits an assault and battery or other offense against a person causing bodily injury to another person is guilty of a felony and, upon conviction, must be imprisoned:

(1) for a first offense, for not more than fifteen years; and

(2) for a second or subsequent offense, for not more than thirty years.

(B) The penalty provided in this section is in addition to the punishment provided for the principal crime. A person sentenced pursuant to the provisions of this section is not eligible for work release, extended work release, or good‑time credits.

(C) In addition to the penalty provided in this section, the firearm involved in the violation of this section must be confiscated. The firearm must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms in this State for a firearm or other equipment approved by the agency, or destroy it. A firearm may not be disposed of in any manner until the results of all legal proceedings in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm, the division may keep the firearm for use by its forensic laboratory. Records must be kept of all confiscated firearms received by the law enforcement agencies pursuant to the provisions of this chapter.”

SECTION 3. This act takes effect upon approval by the Governor.

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