**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3186**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Dillard and M.S. McLeod

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Introduced in the House on January 8, 2013

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

Summary: Save Our Children Gun Lock Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2012 House Prefiled

12/18/2012 House Referred to Committee on **Judiciary**

1/8/2013 House Introduced and read first time ([House Journal‑page 127](file:///h:\HJ%20Archive\2013\01-08-13.docx))

1/8/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 127](file:///h:\HJ%20Archive\2013\01-08-13.docx))

1/10/2013 House Member(s) request name added as sponsor: M.S.McLeod

**VERSIONS OF THIS BILL**

[12/18/2012](file:///p:\pprever\2013-14\3186_20121218.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SAVE OUR CHILDREN GUN LOCK ACT”; BY ADDING SECTION 16‑23‑800 SO AS TO DEFINE NECESSARY TERMS, TO REQUIRE A PERSON WHO KEEPS A FIREARM ON PREMISES WHERE A REASONABLE PERSON WOULD KNOW THAT A CHILD MAY GAIN ACCESS TO THE FIREARM TO STORE THE FIREARM IN A LOCKED CONTAINER OR UTILIZE A TRIGGER‑LOCKING DEVICE ON THE FIREARM, TO PROVIDE PENALTIES FOR A VIOLATION WHEN DEATH OR INJURY OCCURS, AND TO REQUIRE RETAIL FIREARMS DEALERS TO POST NOTICE OF THIS REQUIREMENT.

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

SECTION 1. This act may be cited as the ‘Save Our Children Gun Lock Act’.

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

“Section 16‑23‑800. (A) As used in this section:

(1) ‘Child’ means a person under eighteen years of age.

(2) ‘Firearm’ means a rifle, shotgun, pistol, or similar device that propels a projectile through the energy of an explosive.

(3) ‘Locked container’ means a secure container which is fully enclosed and locked by a padlock key, lock, combination lock, or similar locking device. The term includes the locked utility or glove compartment of a motor vehicle.

(4) ‘Trigger‑locking device’ means a device which prevents a firearm from functioning and which, when applied to the weapon, renders the weapon inoperable.

(B) A person who keeps a firearm on premises which are under his custody or control when he knows or reasonably should know that a child is likely to gain access to the firearm without the supervision of the person who has custody or control of the premises must store the firearm in a locked container or have utilized a trigger‑locking device on the firearm.

(1) If the firearm is not stored in a locked container or a trigger‑locking device has not been utilized on the firearm and the child obtains access to the firearm and causes death to himself or another person, the person is guilty of criminal storage of a firearm in the first degree.

(2) If the firearm is not stored in a locked container or a trigger‑locking device has not been utilized on the firearm and the child obtains access to the firearm and causes injury to himself or another person or causes the firearm to discharge, but death does not occur, he is guilty of criminal storage of a firearm in the second degree.

(C)(1) A person who violates the provisions of subsection (B)(1) is guilty of criminal storage of a firearm in the first degree and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than three years, or both.

(2) A person who violates the provisions of subsection (B)(2) is guilty of criminal storage of a firearm in the second degree and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

(D) The provisions of this section do not apply when any of the following occurs, the:

(1) child obtains the firearm as a result of an illegal entry to any premises of a person;

(2) firearm is kept in a locked container or in a location which a reasonable person would believe to be secure;

(3) firearm is carried on the person so that it can be readily retrieved;

(4) firearm is equipped with a trigger‑locking device and the device is on;

(5) person is a law enforcement officer or a member of the armed forces or national guard and the child obtains the firearm during, or incidental to, the performance of the person’s duties;

(6) child obtains, or obtains and discharges, the firearm in a lawful act of self‑defense or defense of another person; or

(7) firearm is kept on any premises which are under the custody or control of a person who has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(E)(1) Upon the retail sale or transfer of a firearm, the seller shall deliver a written warning to the purchaser that states, in block letters not less than one‑fourth inch in height:

‘IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY PERSON TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A CHILD UNDER THE AGE OF EIGHTEEN’.

(2) A retail dealer who sells firearms shall conspicuously post at each purchase counter the following warning in block letters not less than one inch in height:

‘IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A CHILD UNDER THE AGE OF EIGHTEEN’.

(3) A person who knowingly violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars.”

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

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