**A** **BILL**

TO AMEND SECTION 16‑23‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PENALTIES IMPOSED FOR THE UNLAWFUL CARRYING OF A HANDGUN AND THE UNLAWFUL SALE OR DELIVERY OF A HANDGUN, SO AS TO CREATE GRADUATED PENALTIES FOR SUBSEQUENT OFFENSES.

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

SECTION 1. Section 16‑23‑50 of the 1976 Code, as last amended by Act 294 of 2004, is further amended to read:

“Section 16‑23‑50. (A)(1) A person, including a dealer, who violates the provisions of this article, except Section 16‑23‑20, is guilty of a felony and, upon conviction, for a:

(a) first offense must be fined not more than two thousand dollars or imprisoned not more than five years, or both~~.~~;

(b) second offense, must be fined not more than five thousand dollars or imprisoned not less than one year nor more than five years, or both; and

(c) third or subsequent offense, must be fined not more than ten thousand dollars or imprisoned not less than two years nor more than ten years, or both.

(2) A person ~~violating~~ who violates the provisions of Section 16‑23‑20 for a:

(a) first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both~~.~~;

(b) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than two years, or both;

(c) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than three thousand dollars or imprisoned not less than one year nor more than five years, or both.

(B) In addition to the penalty provided in this section, the handgun involved in the violation of this article must be confiscated. The handgun 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 handgun 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 handguns in this State for a handgun or any other equipment approved by the agency, or destroy it. A weapon must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the handgun, the division may keep the handgun for use by its forensic laboratory. Records must be kept of all confiscated handguns received by the law enforcement agencies ~~under~~ pursuant to the provisions of this article.”

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

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