**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑3‑425 SO AS TO PROVIDE THAT DURING A STATE OF EMERGENCY, NO PERSON ACTING ON BEHALF OR UNDER THE AUTHORITY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY PROHIBIT CERTAIN ACTIONS RELATING TO FIREARMS AND AMMUNITION OR CONFISCATE OR SEIZE FIREARMS AND AMMUNITION, TO PROVIDE EXCEPTIONS, AND TO PROVIDE REMEDIES.

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

SECTION 1. Article 7, Chapter 3, Title 1 of the 1976 Code is amended by adding:

“Section 1‑3‑425. (A) During an emergency proclaimed pursuant to Section 1‑3‑420, no person acting on behalf or under the authority of the State or a political subdivision of the State may:

(1) prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage, or display of a firearm or ammunition;

(2) seize or confiscate, or authorize the seizure or confiscation of, any otherwise lawfully possessed firearm or ammunition unless the person acting on behalf of or under the authority of the State is:

(a) defending himself or another from an assault;

(b) arresting a person in actual possession of a firearm or ammunition for a violation of law; or

(c) seizing or confiscating the firearm or ammunition as evidence of a crime; or

(3) require registration of any firearm or ammunition.

(B) The prohibition on the transfer of a firearm or ammunition pursuant to subsection (A)(1) does not apply to the commercial sale of firearms or ammunition if an authorized authority has ordered an evacuation or general closure of businesses in the affected area.

(C)(1) Any individual aggrieved by a violation of this section may seek relief in an action at law or in equity for redress against any person who violates this section.

(2) In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this section may bring an action for the return of the firearm or ammunition in the circuit court of the county in which that individual resides or in which the firearm or ammunition is located.

(D) For purposes of this section, firearm has the same meaning as provided in Section 16‑8‑10.”

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

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