**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4444**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Gilliard

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Introduced in the House on January 12, 2016

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

Summary: Offenses involving handguns

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2015 House Prefiled

12/3/2015 House Referred to Committee on **Judiciary**

1/12/2016 House Introduced and read first time ([House Journal‑page 66](file:///h:\HJ%20Archive\2016\01-12-16.docx))

1/12/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 66](file:///h:\HJ%20Archive\2016\01-12-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4444&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/3/2015](file:///p:\pprever\2015-16\4444_20151203.docx)

**A** **BILL**

TO AMEND SECTION 16‑23‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR OFFENSES INVOLVING HANDGUNS, SO AS TO RESTRUCTURE THE PENALTY FOR THE UNLAWFUL CARRYING OF A HANDGUN AND TO PROVIDE A TIERED PENALTY STRUCTURE FOR THE OFFENSE; AND BY ADDING ARTICLE 2 TO CHAPTER 31, TITLE 23 ENTITLED “FIREARMS CRIMINAL BACKGROUND CHECKS” SO AS TO DEFINE NECESSARY TERMS AND TO REQUIRE A TEN‑DAY WAITING PERIOD FOR PURCHASERS OR TRANSFEREES OF FIREARMS UNDER CERTAIN CONDITIONS.

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

SECTION 1. Section 16‑23‑50(A)(2) of the 1976 Code is amended to read:

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

(a) for 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; and

(b) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.”

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

“Article 2

Firearms Criminal Background Checks

Section 23‑31‑70. For purposes of this article, the term:

(1) ‘Antique firearm’ means:

(a) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898; and

(b) a replica of a firearm described in subitem (a) if such replica:

(i) is not designed or redesigned for using rimfire or conventional centerfire‑fixed ammunition; or

(ii) uses rimfire or conventional centerfire‑fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(2) ‘Firearm’ means a weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; a firearm muffler or firearm silencer; or a destructive device; but the term does not include an antique firearm. In the case of a licensed collector, the term means only curios and relics.

(3) ‘Firearm frame or receiver’ means that part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

(4) ‘Firearm muffler or firearm silencer’ means a device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

Section 23‑31‑80. (A) In addition to any other requirements pursuant to state and federal law, all sales, exchanges, or transfers of firearms by licensed dealers must be conducted in accordance with the provisions of this article and the provisions 18 U.S.C. Section 922.

(B) Before any sale, exchange, or transfer pursuant to the provisions of this article, a national instant criminal background check pursuant to 18 U.S.C. Section 922 must be completed by a licensed dealer and upon completion of the background check, shall complete a document, the form of which must be approved by the Chief of the State Law Enforcement Division (SLED), that identifies and confirms that the check was performed. Notwithstanding another provision of law, a licensed dealer may not deliver a firearm to a purchaser or transferee until the earlier of:

(1) the results of all required background checks are known and the purchaser or transferee is not prohibited from owning or possessing a firearm pursuant to the provisions of 18 U.S.C. Section 922 or any other state or federal law and the licensed dealer has been notified; or

(2) ten business days have elapsed from the date the licensed dealer requested the background check and the licensed dealer has not been notified that the receipt of the firearm by the purchaser or transferee would violate the provisions of 18 U.S.C. Section 922 or any other state or federal law.

(C) All licensed dealers shall maintain a record of transactions conducted pursuant to this article and the record must be maintained on the premises and must be open at all reasonable hours for inspection by any law enforcement officer acting in the scope of his employment.”

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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