**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO PROVIDE THAT CERTAIN PERSONS WHO KNOWINGLY SOLICIT, PERSUADE, ENCOURAGE, OR ENTICE A LICENSED DEALER OR PRIVATE SELLER OF FIREARMS IN VIOLATION OF STATE LAW, OR KNOWINGLY PROVIDE THAT PERSON WITH MATERIALLY FALSE INFORMATION TO DECEIVE HIM ABOUT THE LEGALITY OF A TRANSFER OF A FIREARM, OR WILFULLY PROCURE ANOTHER PERSON TO ENGAGE IN CERTAIN ILLEGAL ACTIVITIES ARE GUILTY OF A FELONY, TO PROVIDE PENALTIES, AND TO PROVIDE CERTAIN TERMS AND THEIR DEFINITIONS THAT RELATE TO THESE OFFENSES.

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

SECTION 1. Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 9

Fraudulent Firearms Purchase Prevention

Section 23‑31‑700. (A) For purposes of this section:

(1) ‘Licensed dealer’ means a person who is licensed pursuant to federal and state law to engage in the business of dealing in firearms.

(2) ‘Private seller’ means a person who sells or offers for sale any firearm or ammunition in this State.

(3) ‘Materially false information’ means information that portrays an illegal transaction as legal or a legal transaction as illegal.

(B) It is unlawful for a person to knowingly solicit, persuade, encourage or entice a licensed dealer or private seller of firearms to transfer a firearm under circumstances which the person knows would violate the laws of this State.

(C) It is unlawful for a person to knowingly provide to a licensed dealer or private seller of firearms materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm.

(D) It is unlawful for a person to wilfully procure another person to engage in conduct prohibited by this section.

(E) This section does not apply to a law enforcement officer certified by a law enforcement agency of South Carolina acting in his official capacity or to a person acting at the direction of a law enforcement officer certified by a law enforcement agency of South Carolina.

(F) A person who violates a provision of this section is guilty of a felony and, upon conviction for a first offense, must be imprisoned for not more than ten years and fined fifty thousand dollars, or not more than twenty years and fined fifty thousand dollars for a second or subsequent offense.”

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

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