COMMITTEE REPORT

May 11, 2016

**H. 4701**

Introduced by Reps. Pitts, White, G.M. Smith, Simrill, Willis, Hardee, Corley, Duckworth, Fry, Goldfinch, Jordan, Erickson, Delleney, Long, Lowe, Sandifer, McCoy, Newton, Herbkersman, Bradley, Bowers, Finlay, Huggins, Hicks, Johnson, Hixon, Taylor, Loftis, Burns, G.R. Smith, Yow, Limehouse and Clemmons

S. Printed 5/11/16--S.

Read the first time March 8, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4701) to amend the Code of Laws of South Carolina, 1976, by adding Article 9 to Chapter 31, Title 23 so as to enact the “Second Amendment Preservation Act”, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

Majority favorable. Minority unfavorable.

BRAD HUTTO MARLON E. KIMPSON

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires that the State shall not enforce any federal law, rule, or regulation taking effect after January 1, 2016, that would limit the right of a person to own, possess, or use a firearm, ammunition, or firearm accessories. It also provides that the State will neither accept federal funds nor expend state funds related to any federal law, rule, or regulation taking effect after January 1, 2016, that would require firearms to be registered or confiscated.

The South Carolina Law Enforcement Division reports that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Local Expenditure**

The Revenue and Fiscal Affairs Office contacted all forty-six counties regarding the expenditure impact of this bill. We received responses from Horry and Florence Counties.  Both responding counties indicate that this bill will have no expenditure impact on their localities. Although only two responses were received from the surveyed counties, we do not expect this bill to impact county governments.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO ENACT THE “SECOND AMENDMENT PRESERVATION ACT” AND TO PROVIDE THAT THE STATE SHALL NOT ENFORCE CERTAIN LAWS, RULES, OR REGULATIONS THAT LIMIT THE RIGHT OF A PERSON TO OWN, POSSESS, OR USE A FIREARM, AMMUNITIONS, OR FIREARM ACCESSORIES, ACCEPT CERTAIN FEDERAL FUNDS THAT REQUIRE FIREARMS TO BE REGISTERED OR CONFISCATED, OR EXPEND ANY STATE FUNDS TOWARD THE ENFORCEMENT OF CERTAIN FEDERAL LAWS, RULES, OR REGULATIONS THAT REQUIRE FIREARMS TO BE REGISTERED OR CONFISCATED.

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

Second Amendment Preservation Act

Section 23‑31‑900. The General Assembly finds that the Second Amendment to the United States Constitution protects an individual’s right to ‘keep and bear arms’ and further provides that the right to keep and bear arms may not be infringed.

Section 23‑31‑910. Notwithstanding any other provision of law, the State shall not:

(1) enforce any federal law, rule, or regulation that took effect after January 1, 2016, that limits the right of a person to own, possess, or use a firearm, ammunition, or firearm accessories;

(2) accept any federal funds related to any law, rule, or regulation that took effect after January 1, 2016, that requires firearms to be registered or confiscated; or

(3) expend any state funds toward the enforcement of any federal law, rule, or regulation that took effect after January 1, 2016, that requires firearms to be registered or confiscated.”

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

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