**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3328**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bernstein, J.E. Smith and Norrell

Document Path: l:\council\bills\bh\7025ahb17.docx

Companion/Similar bill(s): 143, 3180, 3181

Introduced in the House on January 10, 2017

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

Summary: Firearms Criminal Background Checks

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 163](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 163](file:///h:\hj\20170110.docx))

2/27/2018 House Member(s) request name added as sponsor: J.E.Smith, Norrell

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**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3328_20161215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2 TO CHAPTER 31, TITLE 23 ENTITLED “FIREARMS CRIMINAL BACKGROUND CHECKS” SO AS TO REQUIRE A TWENTY-EIGHT 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. Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 2

Firearms Criminal Background Checks

Section 23‑31‑70. (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 of 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. 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) twenty-eight 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.”

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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