**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4975**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Brawley, Cobb‑Hunter, King, Gilliard, Govan, Henderson‑Myers, Dillard, McEachern, Henegan, Thigpen and Anderson

Document Path: l:\council\bills\gt\5458cm18.docx

Companion/Similar bill(s): 1118, 3183

Introduced in the House on February 21, 2018

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

Summary: Firearms

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/21/2018 House Introduced and read first time ([House Journal‑page 12](file:///h:\hj\20180221.docx))

2/21/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 12](file:///h:\hj\20180221.docx))

2/21/2018 House Member(s) request name added as sponsor: Henderson‑Myers

2/22/2018 House Member(s) request name added as sponsor: Dillard, McEachern

2/28/2018 House Member(s) request name added as sponsor: Henegan

3/6/2018 House Member(s) request name added as sponsor: Thigpen

3/22/2018 House Member(s) request name added as sponsor: Anderson

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4975&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/21/2018](file:///p:\pprever\2017-18\4975_20180221.docx)

**A** **BILL**

TO AMEND SECTION 16‑23‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE ARTICLE, SO AS TO DEFINE THE TERMS “ASSAULT WEAPON” AND “HIGH‑CAPACITY MAGAZINES”; TO AMEND SECTIONS 16‑23‑220, 16‑23‑230, AND 16‑23‑240, RELATING TO THE UNLAWFUL TRANSPORTATION, STORING, KEEPING, OR POSSESSING; AND SALE, RENTAL, OR GIVING AWAY OF MACHINE GUNS, MILITARY FIREARMS, SAWED‑OFF SHOTGUNS OR RIFLES, RESPECTIVELY, SO AS TO INCLUDE ASSAULT WEAPONS AND HIGH‑CAPACITY MAGAZINES IN THE LIST OF ITEMS BANNED BY THE PROVISIONS OF THE STATUTES; AND BY ADDING SECTION 16‑23‑540 SO AS TO PROHIBIT THE POSSESSION, DISTRIBUTION, OR MANUFACTURE OF A DEVICE, PART, COMPONENT, ATTACHMENT, OR ACCESSORY INTENDED TO ACCELERATE THE RATE OF FIRE OF A SEMIAUTOMATIC FIREARM, INCLUDING A DEVICE COMMONLY KNOWN AS A BUMP STOCK OR TRIGGER CRANK, TO PROVIDE A PENALTY FOR A VIOLATION OF THIS SECTION AND TO ALLOW EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 16‑23‑210 of the 1976 Code is amended by adding the following appropriately lettered items at the end:

“( ) ‘Assault weapon’ means a firearm with any of the following characteristics:

(a) all semiautomatic action, centerfire rifles with a detachable magazine with a capacity of twenty‑one or more rounds;

(b) all semiautomatic shotguns with a folding stock or a magazine capacity of more than six rounds, or both;

(c) a firearm which has been modified to be operable as an assault weapon as defined in this item; and

(d) any part or combination of parts designed or intended to convert a firearm into an assault weapon, including a detachable magazine with a capacity of twenty‑one or more rounds, or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

‘Assault weapon’ does not include weapons that do not use fixed cartridges, weapons that were in production prior to 1898, manually operated bolt‑action weapons, lever‑action weapons, slide‑action weapons, single‑shot weapons, multiple‑barrel weapons, revolving‑cylinder weapons, semiautomatic weapons for which there is no fixed magazine with capacity of twenty‑one or more rounds available, semiautomatic weapons that use exclusively en bloc clips, semiautomatic weapons in production prior to 1954, rimfire weapons that employ a tubular magazine, a firearm that uses .22 caliber rimfire ammunition, or an assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

( ) ‘High‑capacity magazine’ means a firearm magazine capable of holding more than fifteen rounds of ammunition.”

SECTION 2. Section 16‑23‑220 of the 1976 Code is amended to read:

“Section 16‑23‑220. (A) It is unlawful for a person to transport from one place to another in this State or for any railroad company, express company, or other common carrier or any officer, agent, or employee of any of them or other person acting in their behalf knowingly to ship or to transport from one place to another in this State a machine gun or firearm commonly known as a machine gun, military firearm, sawed‑off shotgun, ~~or~~ sawed‑off rifle, assault weapon, or high‑capacity magazines, except as provided in Sections 16‑23‑250 and 23‑31‑330.

(B) A person who violates the provisions of this section, upon conviction, must be punished pursuant to Section 16‑23‑260.”

SECTION 3. Section 16‑23‑230 of the 1976 Code is amended to read:

“Section 16‑23‑230. (A) It is unlawful for a person to store, keep, possess, or have in possession or permit another to store, keep, possess, or have in possession a machine gun or firearm commonly known as a machine gun, military firearm, sawed‑off shotgun, ~~or~~ sawed‑off rifle, assault weapon, or high‑capacity magazines, except as provided in Sections 16‑23‑250 and 23‑31‑330.

(B) A person who violates the provisions of this section, upon conviction, must be punished pursuant to Section 16‑23‑260.”

SECTION 4. Section 16‑23‑240 of the 1976 Code is amended to read:

“Section 16‑23‑240. (A) It is unlawful for a person to sell, rent, give away, or participate in any manner, directly or indirectly, in the sale, renting, giving away, or otherwise disposing of a machine gun, or firearm commonly known as a machine gun, military firearm, sawed‑off shotgun, ~~or~~ sawed‑off rifle, assault weapon, or high‑ capacity magazines, except as provided in Sections 16‑23‑250 and 23‑31‑330.

(B) A person who violates the provisions of this section, upon conviction, must be punished pursuant to Section 16‑23‑260.”

SECTION 5. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16‑23‑540. (A) It is unlawful for a person to possess, distribute, or manufacture a part, component, attachment, device, or accessory designed to accelerate the rate of fire of a semiautomatic weapon including, but not limited to, a device commonly known as a bump stock or trigger crank.

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not more than five years.

(C) This subsection does not apply with respect to the importation for, manufacture for, sale to, transfer to, or possession by or under the authority of, the United States or any department or agency thereof or a state, department, agency, or political subdivision thereof.”

SECTION 6. Within ninety days of the effective date of this act, persons possessing, distributing, or manufacturing a part, component, attachment, device, or accessory designed to accelerate the rate of fire of a semiautomatic weapon must cease all operations concerning the distribution or manufacture of these items and surrender such items to their local sheriff’s department, the South Carolina Law Enforcement Division, or a field office of the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

SECTION 7. 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 8. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑