**A** **BILL**

TO AMEND CHAPTER 31, TITLE 23 OF THE 1976 CODE, RELATING TO FIREARMS, BY ADDING ARTICLE 3, TO PROVIDE THAT ANY PERSON WHO KNOWINGLY SOLICITS, PERSUADES, ENCOURAGES, OR ENTICES A DEALER OR SELLER OF FIREARMS OR AMMUNITION TO TRANSFER A FIREARM OR AMMUNITION UNDER CIRCUMSTANCES THAT THE PERSON KNOWS WOULD VIOLATE THE LAWS OF THIS STATE OR THE UNITED STATES IS GUILTY OF A FELONY AND MUST BE FINED NOT MORE THAN THREE THOUSAND DOLLARS, IMPRISONED UP TO FIVE YEARS, OR BOTH; AND TO DEFINE NECESSARY TERMS.

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 3

Unlawful Purchase of a Firearm

Section 23‑31‑100. (A) As used in this section:

(1) ‘Ammunition’ means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in a firearm, other than in an antique firearm. The term does not include:

(a) a shotgun or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing; or

(b) an unloaded, nonmetallic shotgun hull or casing that does not have a primer.

(2) ‘Firearm’ means a pistol, revolver, rifle, shotgun, machine gun, submachine gun, or assault rifle that is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive but does not include an antique firearm as defined in 18 U.S.C. 921(a)(16).

(3) ‘Handgun’ means any firearm designed to expel a projectile and designed to be fired from the hand but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector’s item or any that does not fire fixed cartridges.

(4) ‘Dealer’ means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.

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

(6) ‘Seller’ means any person who sells or offers for sale any firearms or ammunition as defined herein.

(B) Any person who knowingly solicits, persuades, encourages, or entices a dealer or seller of firearms or ammunition to transfer a firearm or ammunition under circumstances that the person knows would violate the laws of this State or the United States is guilty of a misdemeanor and must be fined not more than three thousand dollars, imprisoned not more than three years, or both.

(C) Any person who provides a dealer or seller of firearms or ammunition information that the person knows to be materially false information, with the intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition, is guilty of a misdemeanor and must be fined not more than three thousand dollars, imprisoned not more than three years, or both.

(D) Any person who willfully procures another to engage in conduct prohibited by this section shall be held accountable as a principal.

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

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

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