**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3058**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Cobb‑Hunter, Clyburn, Hosey, S. Williams, Brawley and Henegan

Document Path: l:\council\bills\bh\7041ahb19.docx

Companion/Similar bill(s): 3059

Introduced in the House on January 8, 2019

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

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Judiciary**

1/8/2019 House Introduced and read first time ([House Journal‑page 70](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 70](file:///h:\hj\20190108.docx))

1/10/2019 House Member(s) request name added as sponsor: Brawley

1/15/2019 House Member(s) request name added as sponsor: Henegan

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**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3058_20181218.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 THAT A NATIONAL INSTANT CRIMINAL BACKGROUND CHECK MUST BE COMPLETED AND DELIVERY OF A FIREARM TO A PURCHASER OR TRANSFEREE MAY NOT TAKE PLACE UNTIL THE RESULTS OF ALL REQUIRED BACKGROUND CHECKS ARE KNOWN AND THE PURCHASER OR TRANSFEREE IS NOT PROHIBITED FROM DELIVERY OF THE FIREARM.

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 local, 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 may take place in this State, 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 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 local, state, or federal law and the licensed dealer has been notified.”

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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