**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑23‑540 SO AS TO DEFINE NECESSARY TERMS, TO CREATE THE OFFENSES OF CHILD ENDANGERMENT WITH A FIREARM IN THE FIRST AND SECOND DEGREE WHEN A CHILD UNDER THE AGE OF EIGHTEEN GAINS ACCESS TO A FIREARM IN A CONDITION THAT THE FIREARM CAN BE DISCHARGED AND IN A MANNER THAT A REASONABLE PERSON SHOULD KNOW A CHILD IS LIKELY TO GAIN ACCESS TO A FIREARM UNDER CERTAIN CIRCUMSTANCES AND SUBJECT TO DELINEATED EXCEPTIONS, TO PROVIDE PENALTIES FOR A VIOLATION, AND TO REQUIRE RETAIL FIREARMS DEALERS TO PROVIDE AND POST NOTICE OF THIS REQUIREMENT.

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

SECTION 1. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16‑23‑540. (A) As used in this section:

(1) ‘Child’ means a person under eighteen years of age.

(2) ‘Firearm’ means a rifle, shotgun, pistol, or similar device that propels a projectile through the energy of an explosive.

(3) ‘Locked container’ means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. The term includes the locked utility or glove compartment of a motor vehicle.

(4) ‘Trigger‑locking device’ means a device which prevents a firearm from functioning and which, when locked on the firearm, renders the firearm inoperable.

(B) A person who stores or leaves on premises under his control a firearm in a:

(1) condition that the firearm can be discharged; and

(2) manner that the person knows, or reasonably should have known that a child is likely to gain access to the firearm without the permission of the child’s parent or guardian:

(a) is guilty of child endangerment with a firearm in the first degree if a child gains access to the firearm without the lawful permission of the child’s parent or guardian and the child causes personal injury or death with the firearm not in self‑defense; or

(b) is guilty of child endangerment with a firearm in the second degree if a child gains access to the firearm without the lawful permission of the child’s parent or guardian and the child:

(i) possesses the firearm in violation of Section 16‑23‑30;

(ii) causes the firearm to discharge;

(iii) exhibits the firearm in a public place in an angry, threatening, or careless manner; or

(iv) uses the firearm in the commission of a crime.

(C) A person who violates the provisions of:

(1) subsection (B)(2)(a) is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than three years, or both; or

(2) subsection (B)(2)(b) is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

(D) The provisions of this section do not apply when any of the following occur, the:

(1) child obtains the firearm as a result of an illegal entry to any premises of a person;

(2) firearm is kept in a locked container or in a location which a reasonable person would believe to be secure;

(3) firearm is carried on the person or within such close proximity that the person can readily retrieve and use the firearm as if carried on the person;

(4) firearm is locked with a trigger‑locking device;

(5) child obtains, or obtains and discharges, the firearm in a lawful act of self‑defense or defense of another person; or

(6) firearm is kept on any premises which is under the custody or control of a person who has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(E)(1) Upon the retail sale or transfer of a firearm, the seller shall deliver a written warning to the purchaser that states, in block letters not less than one‑fourth inch in height:

‘IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY PERSON TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A CHILD UNDER THE AGE OF EIGHTEEN’.

(2) A retail dealer who sells firearms shall conspicuously post at each purchase counter the following warning in block letters not less than one inch in height:

‘IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A CHILD UNDER THE AGE OF EIGHTEEN’.

(3) A person who knowingly violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars.”

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

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