**A** **BILL**

TO AMEND CHAPTER 23, TITLE 16 OF THE 1976 CODE, RELATING TO OFFENSES INVOLVING WEAPONS BY ADDING ARTICLE 9, TO REQUIRE THAT NO GUN TRANSFER PRECEDED BY A CRIMINAL BACKGROUND CHECK MAY PROCEED UNLESS THE CRIMINAL BACKGROUND CHECK HAS CONCLUDED THAT THE SALE MAY PROCEED, OR UNTIL AT LEAST TEN BUSINESS DAYS HAVE PASSED FROM THE INITIATION OF THE BACKGROUND CHECK, A SECOND APPLICATION HAS BEEN SUBMITTED, AND ANOTHER TEN BUSINESS DAYS HAVE PASSED; AND TO PROVIDE FOR CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ARTICLE.

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

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

“ARTICLE 9

Background Checks for Firearm Sales and Transfers

Section 16‑23‑910. As used in this article:

(1) ‘Firearm’ means a weapon, including a starter gun, that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of such weapon, a firearm muffler or firearm silencer, or a destructive device. The term does not include an antique firearm.

(2) ‘Licensed dealer’ means the holder of any federal firearms license under 18 U.S.C. Section 923(a).

(3) ‘Transfer’ means to sell, furnish, give, lend, deliver, or otherwise provide, with or without consideration.

(4) ‘Transferee’ means a person who receives or intends to receive a firearm in a sale or transfer.

Section 16‑23‑920. For any sale or transfer of a firearm for which a licensed dealer contacts the National Instant Criminal Background Check System (NICS) to conduct a background check, a licensed gun dealer may not deliver a firearm to any transferee unless:

(A) the NICS provides the licensed dealer with a unique identification number, or

(B) if the NICS has not notified the licensed dealer that a sale or transfer to such person would violate state or federal law within ten business days, in order to continue the purchase or transfer, the transferee must again re-submit to the NICS to conduct a background check. If another ten business days has elapsed from the date of the second application and the NICS has not notified the licensed dealer that a sale or transfer to such person would violate state or federal law, then the sale or transfer of the firearm may then proceed.

Section 16‑23‑930. A person who violates the provisions of this article is guilty of a Class A misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than one thousand dollars, or both.”

SECTION 2. If any provision, word, phrase, or clause of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions, words, phrases, clauses, or applications of this act that can be given effect without the invalid provision, word, phrase, clause, or application, and, to this end, the provisions, words, phrases, and clauses of this act are declared to be severable.

SECTION 3. This act takes effect upon approval by the Governor.

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