**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3499**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Brawley, K.O. Johnson and King

Document Path: l:\council\bills\gt\5944cm21.docx

Introduced in the House on January 12, 2021

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

Summary: Firearms

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2020 House Prefiled

12/16/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 214](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 214](file:///h:\hj\20210112.docx))

1/13/2021 House Member(s) request name added as sponsor: K.O.Johnson, King

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3499&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/16/2020](file:///p:\pprever\2021-22\3499_20201216.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”; AND TO AMEND SECTIONS 16‑23‑220, 16‑23‑230, AND 16‑23‑240, ALL 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.

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. 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 6. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑