**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 CRIMINALLY NEGLIGENT STORAGE OF A FIREARM IN THE FIRST AND SECOND DEGREE, AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 16‑23‑550 SO AS TO REQUIRE THE OWNER OR OTHER PERSON LAWFULLY IN POSSESSION OF A FIREARM TO REPORT THE LOSS OR THEFT OF EACH SUCH WEAPON WITHIN TWENTY‑FOUR HOURS, AND TO PROVIDE GRADUATED PENALTIES FOR VIOLATIONS.

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.

(5) ‘Unauthorized person’ means a person prohibited by state or federal law from owning or possessing a firearm.

(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 know that an unsupervised child or unauthorized person is likely to gain access to the firearm;

(a) is guilty of criminally negligent storage of a firearm in the first degree if an unsupervised child or unauthorized person gains access to the firearm and causes personal injury or death with the firearm not in self‑defense; or

(b) is guilty of criminally negligent storage of a firearm in the second degree if an unsupervised child or unauthorized person gains access to the firearm and:

(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 or unauthorized person 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 or unauthorized person 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 or unauthorized person 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 no 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 OR OTHER PERSONS PROHIBITED BY LAW FROM POSSESSING A FIREARM’.

(2) A retail dealer who sells firearms shall conspicuously post at each purchase counter the following warning in block letters no 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 OR OTHER PERSONS PROHIBITED BY LAW FROM POSSESSING A FIREARM’.

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

“Section 16‑23‑550. (A) An owner or other person who is lawfully in possession of a firearm, rifle, or shotgun in this State who suffers the loss or theft of such weapon shall report, within twenty‑four hours of discovery, the loss or theft of each weapon to the appropriate local law enforcement agency, whether local police department or county sheriff’s office, which would have appropriate jurisdiction where the weapon is located. In addition, the facts and circumstances of the loss or theft also must be reported to the appropriate law enforcement agency to which the report is made.

(B) The law enforcement agency which received the report of the loss or theft pursuant to the provisions of subsection (A) shall collect all pertinent information including, but not limited to, the weapon’s serial number, make, model, caliber, and any distinguishing marks or numbers. The law enforcement agency shall notify all other local, state, or federal law enforcement agencies, as appropriate, of the loss or theft of the weapon. Reports of lost or stolen weapons must be recorded on the standard incident form used by the agency and stored in the normal manner used for incident reports.

(C) A person who violates the provisions of subsection (A):

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars;

(2) for a second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars; and

(3) for a third or subsequent offense, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars but not more than one thousand dollars or imprisoned for not more than three years. A person who is convicted of a third or subsequent violation of the provisions of this item is prohibited from owning such weapons for a period of three years from the date of conviction.

(D) Only those violations which occurred within a period of five years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.”

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑