**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4061**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Beach, B.L. Cox, Kilmartin, Leber, Pace, Cromer, O'Neal and Gilliam

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Introduced in the House on March 1, 2023

Currently residing in the House

Summary: Civil immunity, gun manufacturers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/1/2023 House Introduced and read first time ([House Journal‑page 46](h:\hj\20230301.docx))

3/1/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 46](h:\hj\20230301.docx))

3/2/2023 House Member(s) request name added as sponsor: Gilliam

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**VERSIONS OF THIS BILL**

[03/01/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4061_20230301.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15‑73‑50 SO AS TO PROHIBIT LEGAL ACTION BY THE STATE OR ITS POLITICAL SUBDIVISIONS AGAINST A MANUFACTURER, TRADE ASSOCIATION, DISTRIBUTOR, OR DEALER OF FIREARMS OR AMMUNITION ARISING OUT OF THE LAWFUL DESIGN, MARKETING, DISTRIBUTION, OR SALE OF FIREARMS OR AMMUNITION TO THE PUBLIC.

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

SECTION 1. Chapter 73, Title 15 of the S.C. Code is amended by adding:

Section 15‑73‑50. (A) The Legislature finds and declares that the manufacture, distribution, or sale of firearms and ammunition by manufacturers, distributors, or dealers duly licensed by the appropriate federal and state authorities is a lawful activity and is not unreasonably dangerous, and further finds that the unlawful use of firearms and ammunition, rather than their lawful manufacture, distribution, or sale, is the proximate cause of injuries arising from their unlawful use.

(B) Except as permitted by this section, a legal action against a firearms or ammunition manufacturer, firearms trade association, firearms or ammunition distributor, or firearms or ammunition dealer on behalf of the State or its agencies and instrumentalities, or on behalf of a county, municipality, special district, school district, or any other political subdivision or agency of the State, for damages, abatement, or injunctive relief resulting from or arising out of the lawful design, marketing, distribution, or sale of firearms or ammunition to the public is prohibited. However, this subsection does not preclude a natural person from bringing an action against a firearms or ammunition manufacturer, firearms trade association, firearms or ammunition distributor, or firearms or ammunition dealer for breach of a written contract, breach of an express warranty, or injuries resulting from a defect in the materials or workmanship in the manufacture of a firearm or ammunition.

(C) A county, municipality, special district, school district, or other political subdivision or agency of the State may not sue for or recover from a firearms or ammunition manufacturer, firearms trade association, firearms or ammunition distributor, or firearms or ammunition dealer damages, abatement, or injunctive relief in any case that arises out of or results from the lawful design, marketing, distribution, or sale of firearms or ammunition to the public.

(D) This section does not prohibit an action against a firearms or ammunition manufacturer, distributor, or dealer for:

(1) breach of contract or warranty in connection with a firearm or ammunition purchased by a county, municipality, special district, school district, or other political subdivision or agency of the State.

(2) injuries resulting from the malfunction of a firearm or ammunition due to a defect in design or manufacture.

(E)(1) For the purposes of this section, the potential of a firearm or ammunition to cause serious injury, damage, or death as a result of normal function does not constitute a defective condition of the product.

(2) A firearm or ammunition may not be deemed defective on the basis of its potential to cause serious injury, damage, or death when discharged legally or illegally.

(F)(1) If a civil action is brought in violation of this section, the defendant may recover all expenses resulting from such action from the governmental entity bringing such action.

(2) In any civil action where the court finds that the defendant is immune as provided in this section, the court shall award the defendant all attorney's fees, costs and compensation for loss of income, and expenses incurred as a result of such action.

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

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