**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4931**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Felder, Bernstein, Calhoon and Dillard

Companion/Similar bill(s): 3470, 3984

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Introduced in the House on January 24, 2024

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

Summary: Criminally negligent storage of firearms

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/24/2024 House Introduced and read first time ([House Journal‑page 17](h:\hj\20240124.docx))

1/24/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 17](h:\hj\20240124.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4931&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/24/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4931_20240124.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-23-540 SO AS TO CREATE THE OFFENSE OF CRIMINALLY NEGLIGENT STORAGE OF A FIREARM, DEFINE NECESSARY TERMS, AND ESTABLISH PENALTIES FOR VIOLATIONS, among other things.

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

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

Section 16-23-540. (A) For purposes of this section:

(1) “Child” means a person younger than eighteen years of age.

(2) “Criminal negligence” means the reckless disregard of the safety of others.

(3) “Firearm” has the meaning provided in Section 16-23-490(D).

(4) “Immediate family” means a person’s spouse, parents, children, brothers, sisters, grandparents, grandchildren, and mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law.

(5) “Readily dischargeable firearm” means a firearm that is loaded with ammunition, whether or not a round is in the chamber.

(6) “Secure” means to take steps that a reasonable person would take to prevent a child's access to a readily dischargeable firearm including, but not limited to, placing a firearm in a locked container or temporarily rendering the firearm inoperable by a trigger lock or other means.

(7) “Serious bodily injury” means a physical condition which creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

(B) A person commits an offense if a child gains access to a readily dischargeable firearm, and the person, with criminal negligence:

(1) failed to secure the firearm; or

(2) left the firearm in a manner that the person knew or should have known a child would be able to gain access to the firearm.

(C) It is an affirmative defense to prosecution under this section that the child’s access to the firearm:

(1) was supervised by a person eighteen years of age or older, and was for hunting, sporting, or other lawful purposes;

(2) consisted of lawful defense by the child of people or property; or

(3) was gained as the result of an unlawful entry by any person.

(D)(1) Except as provided in item (2), a person who violates the provisions of this section 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.

(2) For violations of this section in which the child discharges the firearm and causes death or serious bodily injury to himself or another person, a person who violates the provisions of this section 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.

(E) A law enforcement officer may not arrest a person who violates the provisions of this section until the seventh day after the date on which the offense is committed if:

(1) the person who violates the provisions of this section is a member of the immediate family of the child who discharged the firearm; and

(2) the child in discharging the firearm caused the death or serious bodily injury to himself.

(F)(1) Any retail or wholesale store, shop, or sales outlet that sells firearms shall conspicuously post at each purchase counter the following warning in block letters not less than one inch in height the phrase: “IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM THAT CAN BE DISCHARGED IN A MANNER THAT A REASONABLE PERSON SHOULD KNOW IS ACCESSIBLE TO A MINOR.”

(2) Any retail or wholesale store, shop, or sales outlet that sells firearms shall, upon the sale or transfer of a firearm, deliver a written copy of the warning language in item (1) to the purchaser or transferee.

(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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