**South Carolina General Assembly**

125th Session, 2023-2024

**S. 890**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Tedder and Senn

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Introduced in the Senate on January 9, 2024

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

Summary: Unlawful discharge of a firearm

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2023 Senate Prefiled

 11/30/2023 Senate Referred to Committee on **Judiciary**

 1/9/2024 Senate Introduced and read first time (Senate Journal‑page 73)

 1/9/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 73)

 1/11/2024 Scrivener's error corrected

 3/19/2024 Senate Referred to Subcommittee: Hutto (ch), Rice, Senn,
 Adams, Tedder

 3/27/2024 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 13)

 3/28/2024 Scrivener's error corrected

 5/8/2024 Senate Recommitted to Committee on **Judiciary** (Senate Journal‑page 83)

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**VERSIONS OF THIS BILL**

[11/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/890_20231130.docx)

[01/11/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/890_20240111.docx)

[03/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/890_20240327.docx)

[03/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/890_20240328.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

March 27, 2024

S. 890

Introduced by Senators Senn and Tedder

S. Printed 03/27/24--S. [SEC 3/28/2024 3:22 PM]

Read the first time January 09, 2024

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The committee on Senate Judiciary

To whom was referred a Bill (S. 890) to amend the South Carolina Code of Laws by amending Section 16-23-440, relating to discharging firearms at or into dwellings, structures, enclosures, vehicles, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass with amendment:

 Amend the bill, as and if amended, SECTION 1, by striking Section 16-23-440(C) and inserting:

 (C) It is unlawful for a person to discharge a firearm at or in the direction of one or more individuals. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than fifteen years, or both.

 (D) It is a defense pursuant to this section if a person was lawfully hunting and discharged a firearm with due caution and in a manner so as to not endanger any person or property.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X.Section 17-1-65 of the S.C. Code is amended to read:

 Section 17-1-65. (A) A person may apply for an expungement of one conviction for unlawful possession of a handgun as provided in Section 16-23-20, if the conviction occurred prior to the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024. An application under this section must be made within five years of the enactment of this section.

 (B) The State must dismiss all charges pending against a person for unlawful possession of a handgun pursuant to Section 16-23-20 that were nullified by the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024, notwithstanding the savings clause contained in SECTION 25 of that act.

Renumber sections to conform.

Amend title to conform.

LUKE RANKIN for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill creates a new felony offense for knowingly discharging a firearm at or in the direction of one of more individuals. The offense is punishable by a fine of not more than $1,000, imprisonment for not more than ten years, or both.

Judicial. Judicial reports that implementation of the bill may result in an increase in general sessions court caseloads, which can be managed using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for Judicial.

Commission on Prosecution Coordination. This bill creates a new offense, which could result in an increase in the number of warrants that are sent to the Offices of Circuit Solicitor for review, prosecution, and disposition; however, the potential increase in warrants is unknown. Any increase in the number of warrants will result in an increase in the workload. The agency anticipates any increase in workload can be handled with existing staff and appropriations. The agency indicates that if this bill results in a significant increase in the workload, the agency will request an increase in General Fund appropriations.

Commission on Indigent Defense. This bill creates a new offense, which could result in an increase in the number cases handled by the Commission on Indigent Defense. The agency indicates that if this bill results in a significant increase in the workload, the agency will request an increase in General Fund appropriations.

Department of Corrections. This bill may result in an increase in the number of inmates housed by the Department of Corrections. However, no data are available to estimate the increase in the number of inmates that may be housed by Corrections. According to Corrections, in FY 2022-23, the annual total cost per inmate was $37,758, of which $34,570 was state funded. However, as the potential increase in incarcerations is unknown, any expenditure impact for Corrections is undetermined. Corrections indicates that if this bill results in a significant increase in the inmate population, the agency will request an increase in General Fund appropriations.

State Revenue

This bill may increase General Fund revenue from fines, as well as Other Funds revenue, due to the increase in fines and fees for the new offense brought in general sessions courts. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-440, RELATING TO DISCHARGING FIREARMS AT OR INTO DWELLINGS, STRUCTURES, ENCLOSURES, VEHICLES, OR EQUIPMENT, and PENALTIES, SO AS TO PROVIDE IT IS UNLAWFUL TO KNOWINGLY DISCHARGE FIREARMS AT OR IN THE DIRECTION OF ONE OR MORE INDIVIDUALS, AND PROVIDE A PENALTY.

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

SECTION 1. Section 16-23-440 of the S.C. Code is amended to read:

 Section 16-23-440. (A) It is unlawful for a person to discharge or cause to be discharged unlawfully firearms at or into a dwelling house, other building, structure, or enclosure regularly occupied by persons. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than ten years, or both.

 (B) It is unlawful for a person to discharge or cause to be discharged unlawfully firearms at or into any vehicle, aircraft, watercraft, or other conveyance, device, or equipment while it is occupied. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than ten years, or both.

 (C) It is unlawful for a person to knowingly discharge a firearm at or in the direction of one or more individuals. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than ten years, or both.

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

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