**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4472**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Williams, Henegan, Gilliard, Rivers, McDaniel, Howard and Cobb-Hunter

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Introduced in the House on May 10, 2023

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

Summary: Assault weapons

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 5/10/2023 House Introduced and read first time (House Journal‑page 46)

 5/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 46)

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**VERSIONS OF THIS BILL**

[05/10/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4472_20230510.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-23-210, RELATING TO DEFINITIONS, so as to define the term “Assault Weapon”; AND BY ADDING SECTION 16-23-290 so as to provide the circumstances upon which an Assault weapon may be manufactured, imported, distributed, sold or offered for sale in this state, and to provide a penalty.

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

SECTION 1. Section 16-23-210 of the S.C. Code is amended to read:

 Section 16-23-210. When used in this article:

 (a) “Machine gun” applies to and includes any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

 (b) “Sawed-off shotgun” means a shotgun having a barrel or barrels of less than eighteen inches in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than eighteen inches in length.

 (c) “Shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell but does not include an antique firearm as defined in this section.

 (d) “Sawed-off rifle” means a rifle having a barrel or barrels of less than sixteen inches in length or a weapon made from a rifle which, as modified, has an overall length of less than twenty-six inches or a barrel or barrels of less than sixteen inches in length.

 (e) “Rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge but does not include an antique firearm as described in this section.

 (f) “Antique firearm” means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

 (g) “Military firearm” means any military weapon, firearm, or destructive device, other than a machine gun, that is manufactured for military use by a firm licensed by the federal government pursuant to a contract with the federal government and does not include a pistol, rifle, or shotgun which fires only one shot for each pull of the trigger.

 (h) “Assault weapon” means a firearm with any of the following characteristics:

 (i) all semiautomatic action, centerfire rifles with a detachable magazine with a capacity of twenty-one or more rounds;

 (ii) all semiautomatic shotguns with a folding stock or a magazine capacity of more than six rounds, or both;

 (iii) a firearm which has been modified to be operable as an assault weapon as defined in this item; and

 (iv) 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.

SECTION 2. Article 3, Chapter 23, Title 16 of the S.C. Code is amended by adding:

 Section 16-23-290. (A) No person in this State may manufacture, import, distribute, sell, or offer for sale any assault weapon, except as authorized in this section.

 (B) Subsection (A) does not apply to:

 (1) the manufacture, importation, distribution, offer for sale, or sale of an assault weapon by a licensed firearms manufacturer for the purposes of sale to any branch of the armed forces of the United States or this State, or to any law enforcement agency for use by that agency or its employees for law enforcement purposes, or to a person who does not reside in this State;

 (2) the importation, distribution, offer for sale, or sale of an assault weapon by a dealer that is properly licensed under federal and state law for the purpose of sale to any branch of the armed forces of the United States or this State, or to a law enforcement agency in this State for use by that agency or its employees for law enforcement purposes;

 (3) the distribution, offer for sale, or sale of an assault weapon to or by a dealer that is properly licensed under federal and state law where the dealer acquires the assault weapon from an individual legally authorized to possess or transfer the assault weapon for the purpose of selling or transferring the assault weapon to a person who does not reside in this State. The purpose of this subitem is to allow individuals who no longer wish to own an assault weapon to sell their assault weapon and is not intended to allow South Carolina dealers to purchase assault weapons wholesale for the purpose of selling a stock or inventory of assault weapons online or in person to nonresidents;

 (4) the out-of-state sale or transfer of the existing stock of assault weapons owned by a licensed dealer that was acquired prior to January 1, 2023, for the limited period of ninety days after the effective date of this section; or

 (5) the receipt of an assault weapon by a person who, on or after the effective date of this section, acquires possession of the assault weapon by operation of law upon the death of the former owner who was in legal possession of the assault weapon, provided the person in possession of the assault weapon can establish such provenance. Receipt under this item is not “distribution” under this section. A person who legally receives an assault weapon under this item may not sell or transfer the assault weapon to any other person in this State other than to a licensed dealer, to a federally licensed gunsmith for the purpose of service or repair, or to a law enforcement agency for the purpose of permanently relinquishing the assault weapon.

 (C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years.

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

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