**A** **BILL**

TO AMEND ARTICLE 3, CHAPTER 53, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 44‑53‑595, SO AS TO PROVIDE THAT IF A PERSON IS IN POSSESSION OF A FIREARM DURING THE COMMISSION OR ATTEMPTED COMMISSION OF A CONTROLLED SUBSTANCE OFFENSE, EXCEPT A POSSESSION OF A CONTROLLED SUBSTANCE OFFENSE, AND THE PERSON IS CONVICTED OF COMMITTING OR ATTEMPTING TO COMMIT THE CONTROLLED SUBSTANCE OFFENSE, THE PERSON MUST BE IMPRISONED FOR FIVE YEARS IN ADDITION TO THE PUNISHMENT FOR THE CONTROLLED SUBSTANCE OFFENSE.

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

SECTION 1. Article 3, Chapter 53, Title 44 of the 1976 Code of Laws is amended by adding:

“Section 44‑53‑595. (A) For purposes of this section:

(1) ‘firearm’ means a machine gun, automatic rifle, revolver, pistol, or any weapon which will, is designed to, or may readily be converted to expel a projectile; and

(2) ‘in possession’ means on the person or reasonably accessible to the person.

(B) If a person is in possession of a firearm during the commission or attempted commission of a controlled substance offense, except a possession of a controlled substance offense, and the person is convicted of committing or attempting to commit the controlled substance offense, the person must be imprisoned for five years in addition to the punishment provided for the controlled substance offense.

(C) The five-year sentence is mandatory, may not be suspended, nor may probation be granted. The five-year sentence must run consecutively to the sentence imposed for the controlled substance offense. A person sentenced pursuant to this section is not eligible for work release or extended work release during the five-year term of imprisonment. The person may not complete their term of imprisonment in less than five years pursuant to good time credits or work credits, but may earn credits during this period.

(D) The five-year sentence must not be imposed unless the indictment alleged as a separate count that the person was in possession of a firearm during the commission or attempted commission of a controlled substance offense, except a possession of a controlled substance offense, and the person was convicted of committing or attempting to commit the controlled substance offense.”

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

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