**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5330**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Bauer

Companion/Similar bill(s): 1158

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Introduced in the House on March 26, 2024

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

Summary: Graduated Penalties for Illegal Possession of a Firearm

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/26/2024 House Introduced and read first time ([House Journal‑page 22](h:\hj\20240326.docx))

3/26/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 22](h:\hj\20240326.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5330&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/26/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5330_20240326.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑23‑500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A VIOLENT OFFENSE, SO AS TO PROVIDE THAT THE VIOLATIONS SUBSEQUENT TO THE FIRST VIOLATION MUST OCCUR WITHIN TWENTY YEARS OF THE FIRST OFFENSE TO QUALIFY FOR GRADUATED PENALTIES; BY AMENDING SECTION 16‑23‑420, RELATING TO THE POSSESSION OF A FIREARM ON SCHOOL PROPERTY, SO AS TO PROVIDE THAT EXPRESS AUTHORIZATION TO CARRY THE FIREARM ON SCHOOL PROPERTY MAY NOT BE PROVIDED TO A STUDENT ENROLLED IN A PUBLIC SCHOOL; BY AMENDING SECTION 16‑23‑430, RELATING TO CARRYING A WEAPON ON SCHOOL PROPERTY, SO AS TO PROVIDE THAT STUDENTS ENROLLED IN A PUBLIC SCHOOL MAY NOT POSSESS WEAPONS EVEN IF THEY ARE SECURED WITHIN A VEHICLE; BY AMENDING SECTION 23‑31‑245, RELATING TO REASONABLE SUSPICION OR PROBABLE CAUSE TO SEARCH, DETAIN, OR ARREST, SO AS TO CLARIFY THAT THE PROVISIONS IN THE SECTION APPLY TO A PERSON CARRYING A WEAPON IN ACCORDANCE WITH THE ARTICLE WHETHER OR NOT THE WEAPON IS CONCEALED; AND BY AMENDING SECTION 16‑23‑20, RELATING TO THE UNLAWFUL CARRYING OF A HANDGUN, SO AS TO CLARIFY WHEN CARRYING A HANDGUN IS IMPERMISSIBLE IN A PUBLICLY OWNED BUILDING OTHER THAN A COURTHOUSE WHERE COURT IS HELD.

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

SECTION 1. Section 16‑23‑500(B) of the S.C. Code, as last amended by Act 111 of 2024, is further amended to read:

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction:

(1) for a first offense, must be imprisoned not more than five years;

(2) for a second offense within twenty years of the first offense, must be imprisoned for a mandatory minimum of five years, but not more than twenty years; and

(3) for a third or subsequent offense within twenty years of the first offense, must be imprisoned for a mandatory minimum of ten years, but not more than thirty years.

SECTION 2. Section 16‑23‑420(A) of the S.C. Code, as last amended by Act 111 of 2024, is further amended to read:

(A) It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post‑secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property. Authorities in charge of the premises or property of a public school are prohibited from providing express permission to possess a firearm on the public school’s premises or property to a student enrolled at that school. The provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post‑secondary institution, do not apply to when the firearm remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

SECTION 3. Section 16‑23‑430(B) of the S.C. Code, as last amended by Act 111 of 2024, is further amended to read:

(B) This section does not apply when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle. The provisions of subsection (A) apply to a student enrolled in a public school even if the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

SECTION 4. Section 23‑31‑245 of the S.C. Code, as added by Act 111 of 2024, is amended to read:

Section 23‑31‑245. A person openly carrying a weapon in accordance with this article does not give a law enforcement officer reasonable suspicion or probable cause to search, detain, or arrest the person. This article does not prevent a law enforcement officer from searching, detaining, or arresting a person when he has a particularized and objective basis for suspecting the particular person stopped of criminal activity. A person merely carrying a weapon in accordance with this article is not sufficient to justify a search, detention, or arrest.

SECTION 5. Section 16‑23‑20(A) of the S.C. Code as last amended by Act 111 of 2024, is further amended to read:

(A) It is unlawful, whether or not the person has a concealed weapon permit, for anyone to carry about the person any handgun, whether concealed or not, unless otherwise specifically authorized by law into a:

(1) law enforcement, correctional, or detention facility;

(2) courthouse, or courtroom, or other publicly owned building, whether owned by the State, a county, a municipality, or other political subdivision, where court is held and during the time that court is in session;

(3) polling place on election days;

(4) office of or business meeting of the governing body of a county, public school district, municipality, or special purpose district;

(5) school or college athletic event not related to firearms;

(6) daycare facility or preschool facility;

(7) place where the carrying of firearms is prohibited by federal law;

(8) church or other established religious sanctuary unless express permission is given by the appropriate church official or governing body;

(9) hospital, medical clinic, doctor’s office, or any other facility where medical services or procedures are performed, unless expressly authorized by the appropriate entity;

(10) residence or dwelling place of another person without the express permission of the owner or person in legal control or possession of the residence or dwelling place, as appropriate; or

(11) place clearly marked with a sign prohibiting the carrying of a concealable weapon on the premises in compliance with Section 23‑31‑235. A person who violates a provision of this item, whether the violation is wilful or not, only may be charged with a violation of Section 16‑11‑620 and must not be charged with or penalized for a violation of this subsection.; or

(12) publicly owned building, other than a courthouse, whether owned by the State, a county, a municipality, or another political subdivision, where court is held and during the time that court is in session.

SECTION 6. This act takes effect upon approval by the Governor.

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