**South Carolina General Assembly**

118th Session, 2009-2010

**S. 312**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Thomas

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Introduced in the Senate on January 27, 2009

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

Summary: Brass knuckles

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-27-09.docx)‑17

1/27/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\01-27-09.docx)‑17

2/3/2009 Senate Referred to Subcommittee: Hutto (ch), Rose, Shoopman

**VERSIONS OF THIS BILL**

[1/27/2009](file:///p:\pprever\2009-10\312_20090127.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑23‑540 SO AS TO PROHIBIT THE SALE OF PLASTIC, METAL, OR BRASS KNUCKLES AND PROVIDE A PENALTY; TO AMEND SECTION 16‑23‑405, AS AMENDED, RELATING TO THE DEFINITION OF “WEAPON” AND THE CONFISCATION OF CERTAIN WEAPONS INVOLVED IN A CRIME, SO AS TO EXPAND THE DEFINITION OF “WEAPON” TO INCLUDE PLASTIC, METAL, OR BRASS KNUCKLES; TO AMEND SECTION 16‑23‑430, RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTY, SO AS TO INCLUDE PLASTIC, METAL, OR BRASS KNUCKLES IN THE PROHIBITION; AND TO AMEND SECTION 16‑23‑460, AS AMENDED, RELATING TO CARRYING CONCEALED WEAPONS, SO AS TO REMOVE THE EXCEPTION FOR METAL KNUCKLES.

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

SECTION 1. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16‑23‑540. (A) It is unlawful for a person to sell, rent, give away, or participate, directly or indirectly, in the sale, renting, or giving away of plastic, metal, or brass knuckles in this State.

(B) A person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.”

SECTION 2. Section 16‑23‑405(A) of the 1976 Code, as last amended by Act 337 of 2008, is further amended to read:

“(A) Except for the provisions relating to rifles and shotguns in Section 16‑23‑460, as used in this chapter, ‘weapon’ means firearm (rifle, shotgun, pistol, or similar device that propels a projectile through the energy of an explosive), a blackjack, a metal pipe or pole, plastic, metal, or brass knuckles, or ~~any other~~another type of device, or object which may be used to inflict bodily injury or death.”

SECTION 3. Section 16‑23‑430 of the 1976 Code is amended to read:

“Section 16‑23‑430. ~~(1)~~(A) It ~~shall be~~ is unlawful for ~~any~~ a person, except state, county, or municipal ~~law‑enforcement~~law enforcement officers or personnel authorized by school officials, to carry on his person, while on ~~any~~elementary or secondary school property, a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, plastic, metal, or brass knuckles, firearms, or ~~any other~~another type of weapon, device, or object which may be used to inflict bodily injury or death.

~~(2)~~(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both. ~~Any~~A weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest.”

SECTION 4. Section 16‑23‑460 of the 1976 Code, as last amended by Act 337 of 2008, is further amended to read:

“Section 16‑23‑460. (A) A person ~~carrying~~who carries a deadly weapon usually used for the infliction of personal injury concealed about his person is guilty of a misdemeanor~~, must~~ and, upon conviction, shall forfeit the weapon to the county~~,~~ or~~, if convicted in a~~ municipal court~~, to the municipality, the concealed weapon,~~ with jurisdiction over the offense and must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned not less than thirty days nor more than ninety days.

(B) The provisions of this section do not apply to:

(1) a person carrying a concealed weapon upon his own premises or pursuant to and in compliance with Article 4, Chapter 31 of Title 23; or

(2) peace officers in the actual discharge of their duties.

(C) The provisions of this section also do not apply to rifles, shotguns, dirks, slingshots, ~~metal knuckles,~~knives, or razors unless they are used with the intent to commit a crime or in furtherance of a crime.”

SECTION 5. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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