**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3116**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Gilliard

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Introduced in the House on January 11, 2011

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

Summary: Handguns

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2010 House Prefiled

12/7/2010 House Referred to Committee on **Judiciary**

1/11/2011 House Introduced and read first time ([House Journal‑page 51](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 51](file:///h:\hj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p:\pprever\2011-12\3116_20101207.docx)

**A** **BILL**

TO AMEND SECTION 16‑23‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PENALTIES IMPOSED FOR THE UNLAWFUL CARRYING OF A HANDGUN AND THE UNLAWFUL SALE OR DELIVERY OF A HANDGUN, SO AS TO INCREASE THE PENALTY FOR EACH OFFENSE.

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

SECTION 1. Section 16‑23‑50 of the 1976 Code, as last amended by Act 294 of 2004, is further amended to read:

“Section 16‑23‑50. (A)(1) A person, including a dealer, who violates the provisions of this article, except Section 16‑23‑20, is guilty of a felony and, upon conviction, must be fined not more than ~~two~~ fifty thousand dollars or imprisoned not more than ~~five~~ ten years, or both.

(2) A person violating the provisions of Section 16‑23‑20 is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not more than ~~one~~ fifty thousand dollars or imprisoned not more than ~~one year~~ ten years, or both.

(B) In addition to the penalty provided in this section, the handgun involved in the violation of this article must be confiscated. The handgun must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated handgun may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell handguns in this State for a handgun or any other equipment approved by the agency, or destroy it. A weapon must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the handgun, the division may keep the handgun for use by its forensic laboratory. Records must be kept of all confiscated handguns received by the law enforcement agencies under the provisions of this article.”

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

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