**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4701**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pitts, White, G.M. Smith, Simrill, Willis, Hardee, Corley, Duckworth, Fry, Goldfinch, Jordan, Erickson, Delleney, Long, Lowe, Sandifer, McCoy, Newton, Herbkersman, Bradley, Bowers, Finlay, Huggins, Hicks, Johnson, Hixon, Taylor, Loftis, Burns, G.R. Smith, Yow, Limehouse and Clemmons

Document Path: l:\council\bills\gt\5032cm16.docx

Companion/Similar bill(s): 125, 4628, 4668

Introduced in the House on January 19, 2016

Introduced in the Senate on March 8, 2016

Currently residing in the Senate

Summary: Second Amendment Preservation Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/19/2016 House Introduced and read first time ([House Journal‑page 20](file:///h:\HJ%20Archive\2016\01-19-16.docx))

1/19/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 20](file:///h:\HJ%20Archive\2016\01-19-16.docx))

2/2/2016 House Member(s) request name added as sponsor: McCoy

2/11/2016 House Member(s) request name added as sponsor: Newton, Rivers, Herbkersman, Bradley, Bowers, Finlay, Huggins

2/24/2016 House Member(s) request name added as sponsor: Hicks

2/25/2016 House Committee report: Favorable **Judiciary** ([House Journal‑page 2](file:///h:\HJ%20Archive\2016\02-25-16.docx))

3/1/2016 House Member(s) request name added as sponsor: Johnson, Hixon, Taylor

3/2/2016 House Member(s) request name added as sponsor: Loftis, Burns, G.R.Smith, Yow

3/2/2016 House Requests for debate‑Rep(s). Whipper, Pitts, Delleney, Jefferson, WJ McLeod, Whitmire, Tinkler, Douglas, King, Cobb Hunter, MS McLeod, HA Crawford, Bamber, Alexander, RL Brown, Henderson, Henegan, Loftis, Robinson Simpson, Dillard, Nanney, GR Smith, VS Moss, Clary, Hixon, Taylor, Corley, Weeks, Knight ([House Journal‑page 19](file:///h:\HJ%20Archive\2016\03-02-16.docx))

3/2/2016 House Member(s) request name added as sponsor: Limehouse, Clemmons

3/2/2016 House Member(s) request name removed as sponsor: Rivers

3/2/2016 House Read second time ([House Journal‑page 52](file:///h:\HJ%20Archive\2016\03-02-16.docx))

3/2/2016 House Roll call Yeas‑69 Nays‑27 ([House Journal‑page 53](file:///h:\HJ%20Archive\2016\03-02-16.docx))

3/3/2016 House Read third time and sent to Senate ([House Journal‑page 32](file:///h:\HJ%20Archive\2016\03-03-16.docx))

3/3/2016 House Roll call Yeas‑64 Nays‑30 ([House Journal‑page 33](file:///h:\HJ%20Archive\2016\03-03-16.docx))

3/8/2016 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\03-08-16.docx))

3/8/2016 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\03-08-16.docx))

3/11/2016 Senate Referred to Subcommittee: Hutto (ch), Bright, Gregory, Shealy, M.B.Matthews

5/11/2016 Senate Committee report: Majority favorable, minority unfavorable **Judiciary** ([Senate Journal‑page 17](file:///h:\SJ%20Archive\2016\05-11-16.docx))

5/12/2016 Scrivener's error corrected

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4701&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/19/2016](file:///p:\pprever\2015-16\4701_20160119.docx)

[1/21/2016](file:///p:\pprever\2015-16\4701_20160121.docx)

[2/25/2016](file:///p:\pprever\2015-16\4701_20160225.docx)

[5/11/2016](file:///p:\pprever\2015-16\4701_20160511.docx)

[5/12/2016](file:///p:\pprever\2015-16\4701_20160512.docx)

COMMITTEE REPORT

May 11, 2016

**H. 4701**

Introduced by Reps. Pitts, White, G.M. Smith, Simrill, Willis, Hardee, Corley, Duckworth, Fry, Goldfinch, Jordan, Erickson, Delleney, Long, Lowe, Sandifer, McCoy, Newton, Herbkersman, Bradley, Bowers, Finlay, Huggins, Hicks, Johnson, Hixon, Taylor, Loftis, Burns, G.R. Smith, Yow, Limehouse, Rivers and Clemmons

S. Printed 5/11/16--S. [SEC 5/12/16 12:47 PM]

Read the first time March 8, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4701) to amend the Code of Laws of South Carolina, 1976, by adding Article 9 to Chapter 31, Title 23 so as to enact the “Second Amendment Preservation Act”, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

Majority favorable. Minority unfavorable.

BRAD HUTTO MARLON E. KIMPSON

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires that the State shall not enforce any federal law, rule, or regulation taking effect after January 1, 2016, that would limit the right of a person to own, possess, or use a firearm, ammunition, or firearm accessories. It also provides that the State will neither accept federal funds nor expend state funds related to any federal law, rule, or regulation taking effect after January 1, 2016, that would require firearms to be registered or confiscated.

The South Carolina Law Enforcement Division reports that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Local Expenditure**

The Revenue and Fiscal Affairs Office contacted all forty-six counties regarding the expenditure impact of this bill. We received responses from Horry and Florence Counties.  Both responding counties indicate that this bill will have no expenditure impact on their localities. Although only two responses were received from the surveyed counties, we do not expect this bill to impact county governments.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO ENACT THE “SECOND AMENDMENT PRESERVATION ACT” AND TO PROVIDE THAT THE STATE SHALL NOT ENFORCE CERTAIN LAWS, RULES, OR REGULATIONS THAT LIMIT THE RIGHT OF A PERSON TO OWN, POSSESS, OR USE A FIREARM, AMMUNITIONS, OR FIREARM ACCESSORIES, ACCEPT CERTAIN FEDERAL FUNDS THAT REQUIRE FIREARMS TO BE REGISTERED OR CONFISCATED, OR EXPEND ANY STATE FUNDS TOWARD THE ENFORCEMENT OF CERTAIN FEDERAL LAWS, RULES, OR REGULATIONS THAT REQUIRE FIREARMS TO BE REGISTERED OR CONFISCATED.

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

SECTION 1. Chapter 31, Title 23 of the 1976 Code is amended by adding:

“Article 9

Second Amendment Preservation Act

Section 23‑31‑900. The General Assembly finds that the Second Amendment to the United States Constitution protects an individual’s right to ‘keep and bear arms’ and further provides that the right to keep and bear arms may not be infringed.

Section 23‑31‑910. Notwithstanding any other provision of law, the State shall not:

(1) enforce any federal law, rule, or regulation that took effect after January 1, 2016, that limits the right of a person to own, possess, or use a firearm, ammunition, or firearm accessories;

(2) accept any federal funds related to any law, rule, or regulation that took effect after January 1, 2016, that requires firearms to be registered or confiscated; or

(3) expend any state funds toward the enforcement of any federal law, rule, or regulation that took effect after January 1, 2016, that requires firearms to be registered or confiscated.”

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

‑‑‑‑XX‑‑‑‑