**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3598**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Stavrinakis

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

Summary: Reporting information to SLED, firearms background checks

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/12/2024 House Prefiled

12/12/2024 House Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/12/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3598_20241212.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14‑17‑325, RELATING TO REQUIRING CLERKS OF COURT TO REPORT THE DISPOSITION OF EACH CASE IN GENERAL SESSIONS COURT, SO AS TO REQUIRE THAT CLERKS OF COURT REPORT THE DISPOSITION OF CASES TO THE STATE LAW ENFORCEMENT DIVISION WITHIN FORTY‑EIGHT HOURS OF THE ISSUANCE OF CERTAIN ORDERS; BY AMENDING SECTION 22‑1‑200, RELATING TO REQUIRING MAGISTRATES TO REPORT THE DISPOSITION OF EACH CASE TO THE STATE LAW ENFORCEMENT, SO AS TO REQUIRE THAT MAGISTRATES REPORT THE DISPOSITION OF CASES TO THE STATE LAW ENFORCEMENT DIVISION WITHIN FORTY‑EIGHT HOURS OF THE ISSUANCE OF CERTAIN ORDERS; BY AMENDING SECTION 14‑25‑250, RELATING TO REQUIRING MUNICIPAL JUDGES TO REPORT THE DISPOSITION OF EACH CRIMINAL CASE, SO AS TO REQUIRE THAT MUNICIPAL JUDGES REPORT THE DISPOSITION OF CASES TO THE STATE LAW ENFORCEMENT DIVISION WITHIN FORTY‑EIGHT HOURS OF THE ISSUANCE OF CERTAIN ORDERS; BY ADDING SECTION 23‑1‑260 SO AS TO REQUIRE EACH LAW ENFORCEMENT AGENCY TO REPORT TO THE STATE LAW ENFORCEMENT DIVISION WITHIN TWENTY‑FOUR HOURS OF THE FILINGS OF CERTAIN INCIDENT REPORTS; AND BY ADDING ARTICLE 9 TO CHAPTER 23, TITLE 16 SO AS TO DEFINE NECESSARY TERMS, TO REQUIRE THAT NO GUN TRANSFER PRECEDED BY A CRIMINAL BACKGROUND CHECK MAY PROCEED, UNLESS THE CRIMINAL BACKGROUND CHECK HAS CONCLUDED THAT THE SALE MAY PROCEED, OR UNTIL AT LEAST FIVE DAYS HAVE PASSED FROM THE INITIATION OF THE BACKGROUND CHECK AND THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM HAS NOT REPORTED THAT THE SALE WOULD VIOLATE STATE OR FEDERAL LAW, AND TO PROVIDE FOR CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ARTICLE.

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

SECTION 1. Section 14‑17‑325 of the S.C. Code is amended to read:

Section 14‑17‑325. (A) Every clerk of court shall report the disposition of each case in the Court of General Sessions to the State Law Enforcement Division within five days of disposition, weekends and holidays excluded.

(B) Every clerk of court shall also report to the State Law Enforcement Division, within five daysforty‑eight hours, the issuance, rescission, or termination of any:

(1) criminal indictments;

(2) permanent restraining orders;

(3) convictions relating to or orders issued to prevent acts of domestic violence against another person;

(4) orders issued relating to the stalking, intimidation, or harassment of another person;

(5) orders for bond with any limitation listed in this section;

(3)(6) orders of state firearms prohibition pursuant to Section 16‑25‑30; and

(4)(7) other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate judge. For any orders, the Court Administration must provide the form.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.

SECTION 2. Section 22‑1‑200 of the S.C. Code is amended to read:

Section 22‑1‑200. (A) Magistrates shall report the disposition of each criminal case to the State Law Enforcement Division within five days, weekends and holidays excluded.

(B) Magistrates shall also report to the State Law Enforcement Division, within five daysforty-eight hours, weekends and holidays excluded, the issuance, rescission, or termination of any:

(1) restraining orders and emergency restraining orders;

(2) magistrate court orders of protection from domestic abuse act orders;

(3) convictions related to or orders issued to prevent acts of domestic violence against another person;

(4) orders issued or convictions related to, or to prevent, the stalking, intimidation, or harassment of another person;

(5) orders for bond with any limitations listed in this section;

(3)(6) orders of state firearms prohibition pursuant to Section 16‑25‑30; and

(4)(7) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate magistrate. For any form orders provided by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the magistrate may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.

SECTION 3. Section 14‑25‑250 of the S.C. Code is amended to read:

Section 14‑25‑250. (A) Each municipal judge shall report the disposition of each criminal case to the State Law Enforcement Division within five days, weekends and holidays excluded.

(B) A municipal judge shall also report to the State Law Enforcement Division, within five daysforty‑eight hours, weekends and holidays excluded, the issuance, rescission, or termination of any:

(1) restraining orders and emergency restraining orders;

(2) municipal court orders of protection from domestic abuse act orders;

(3) convictions related to or orders issued to prevent acts of domestic violence against another person;

(4) orders issued or convictions related to, or to prevent, the stalking, intimidation, or harassment of another person;

(5) orders for bond with any limitations listed in this section;

(3)(6) orders of state firearms prohibition pursuant to Section 16‑25‑30; and

(4)(7) any other restraining orders, orders of protection, or other orders that prohibit a person from legally purchasing or possessing a firearm, but only upon being directed to transmit such orders by the appropriate judge. For any form orders provided by Court Administration that may require transmission pursuant to this subsection, Court Administration shall include within the form order a checked box option that the judge may select, when appropriate, to order the clerk to transmit the appropriate information to SLED.

(C) The reporting required by this section must be in a format approved by the State Law Enforcement Division and Court Administration.

SECTION 4. Chapter 1, Title 23 of the S.C. Code is amended by adding:

Section 23‑1‑260. (A) Each law enforcement agency must report to the South Carolina Law Enforcement Division (SLED) within twenty‑four hours:

(1) the filing of an incident report for each criminal case;

(2) the filing of an order of protection, restraining order, or any order or report relating to an incident of domestic violence;

(3) any incident in which a person may be prohibited from obtaining or possessing a firearm by state or federal law.

(B) The report must be made in a format approved by representatives of SLED.

SECTION 5. Chapter 23, Title 16 of the S.C. Code is amended by adding:

Article 9

Background Checks for Firearm Sales and Transfers

Section 16‑23‑910. As used in this article:

(1) “Firearm” means a weapon, including a starter gun, that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of such weapon, a firearm muffler or firearm silencer, or a destructive device. The term does not include an antique firearm.

(2) “Licensed dealer” means the holder of any federal firearms license under 18 U.S.C. Section 923(a).

(3) “Transfer” means to sell, furnish, give, lend, deliver, or otherwise provide, with or without consideration.

(4) “Transferee” means a person who receives or intends to receive a firearm in a sale or transfer.

Section 16‑23‑920. For any sale or transfer of a firearm for which a licensed dealer contacts the National Instant Criminal Background Check System (NICS) to conduct a background check, a licensed gun dealer may not deliver a firearm to any transferee unless the NICS provides the licensed dealer with a unique identification number or five days have elapsed from the date the licensed dealer contacted the NICS and the NICS has not notified the licensed dealer that a sale or transfer to such person would violate state or federal law.

Section 16‑23‑930. A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than one thousand dollars, or both.

SECTION 6. 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 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. This act takes effect upon approval by the Governor.

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