**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3743**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Beach

Document Path: LC-0111CM25.docx

Introduced in the House on January 15, 2025

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

Summary: Extreme Risk Protective Orders

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/15/2025 House Introduced and read first time (House Journal‑page 53)

 1/15/2025 House Referred to Committee on **Judiciary** (House Journal‑page 35)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3743&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/15/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3743_20250115.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY enacting the “SOUTH CAROLINA BAN AGAINST RED FLAG GUN CONFISCATION ACT” by adding article 9 to chapter 31, title 23 so as to define certain terms, provide it is unlawful to adopt or enforce extreme risk protective orders, and to provide penalties.

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

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

Article 9

“South Carolina Ban Against Red Flag Gun Confiscation Act”

 Section 23-31-700.  As contained in this article:

 (1) “Extreme risk protective order” means a written order, or warrant, issued by a court or signed by a magistrate or other court officer that:

 (a) has the primary purpose of reducing the risk of death or injury by:

 (i) prohibiting a person from owning, possessing, purchasing, or receiving firearms, firearm accessories, ammunition, or firearm permits; or

 (ii) requiring a person to surrender firearms, firearm accessories, ammunition, or firearm permits, or otherwise removing firearms, firearm accessories, ammunition, or firearm permits from a person; and

 (b) is not issued on the basis of conduct that resulted in a criminal charge for the person who is the subject of the order.

 (2) “Firearm” has the meaning as contained in Section 23-31-1050(3).

 Section 23-31-710(A). This article applies to:

 (1) an agency, department, commission, bureau, board, office, council, court, or other entity that is in any branch of state government and that is created by the constitution or a statute of this State, including a college or university;

 (2) the governing body of a municipality, county, or special purpose district or authority;

 (3) an officer, employee, or other body that is part of a municipality, county, or special-purpose district or authority, including a sheriff, municipal police department, municipal attorney, or county attorney; and

 (4) a solicitor.

 (B) An entity described by subsection (A) may not adopt or enforce a rule, ordinance, order, policy, or other similar measure relating to an extreme risk protective order.

 Section 23-31-720. No state, county, or municipal funds or resources may be used to enforce or assist in the enforcement of any federal statute, order, program, rule, or regulation to enact, implement, or enforce an extreme risk protective order against a person in this State.

 Section 23-31-730. An entity described by Section 23-31-710(A) may not accept federal grant funds for the preparation, implementation, service, or enforcement of a program, statute, order, rule, or regulation to enact, implement, or enforce an extreme risk protective order against a person in this State.

 Section 23-31-740. A person who serves, enforces, or attempts to serve or enforce an extreme risk protective order against another person in this State is guilty of a felony and, upon conviction, must be imprisoned not more than five years.

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑