**South Carolina General Assembly**

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**S. 21**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Jackson and Senn

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

Summary: Children's Firearm Accident Prevention Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time

 1/10/2023 Senate Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/21_20221201.docx)

A bill

to amend the South Carolina Code of Laws BY ADDING CHAPTER 24 TO TITLE 16 BY ENACTING THE “CHILDREN'S FIREARM ACCIDENT PREVENTION ACT”; TO DEFINE NECESSARY TERMS; TO CREATE THE TIERED OFFENSES OF CRIMINAL STORAGE OF A FIREARM; TO PROVIDE EXCEPTIONS; TO MAKE CERTAIN PROVISIONS FOR WHEN AN INJURED CHILD IS RELATED TO THE PERSON WHO VIOLATES THE CHAPTER; AND TO REQUIRE UPON THE RETAIL SALE OR TRANSFER OF A FIREARM THAT THE SELLER GIVE NOTICE THAT IT IS UNLAWFUL FOR A PERSON TO STORE OR LEAVE A FIREARM WITHIN EASY REACH OF A CHILD.

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

SECTION 1. Title 16 of the S.C. Code is amended by adding:

 CHAPTER 24

 Children’s Firearm Accident Prevention Act

 Section 16‑24‑10. This act may be cited as the “Children’s Firearm Accident Prevention Act”.

 Section 16‑24‑20. As used in this chapter:

 (1) “Trigger‑locking device” means a device which prevents a firearm from functioning and which, when applied to the weapon, renders the weapon inoperable.

 (2) “Loaded firearm” means a firearm which has an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip. A muzzle‑loader firearm is considered to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

 (3) “Child” means a person under eighteen years of age.

 Section 16‑24‑30. (A) Except as provided in Section 16‑24‑40, a person who keeps a loaded firearm on premises which are under his custody or control where he knows or reasonably should know that a child is likely to gain access to the firearm without the supervision of the person who has custody or control of the premises must store the loaded firearm in a secure location.

 (1) If the firearm is not stored in a secure location and the child obtains access to the firearm and causes death to himself, herself, or any other person, the person is guilty of criminal storage of a firearm in the first degree.

 (2) If the firearm is not stored in a secure location and the child obtains access to the firearm and causes injury to himself, herself, or any other person or causes the firearm to discharge, but death does not occur, he is guilty of criminal storage of a firearm in the second degree.

 (B)(1) A person who violates subsection (A)(1) is guilty of the misdemeanor of criminal storage of a firearm in the first degree and, upon conviction, must be imprisoned for not more than three years or fined not more than two thousand dollars, or both.

 (2) A person who violates subsection (A)(2) is guilty of the misdemeanor of criminal storage of a firearm in the second degree and, upon conviction, must be imprisoned for not more than one year or fined not more than one thousand dollars, or both.

 Section 16‑24‑40. This chapter does not apply when:

 (1) the child obtains the firearm as a result of an illegal entry to any premises of any person;

 (2) the firearm is kept in a location which a reasonable person would believe to be secure;

 (3) the firearm is carried on the person so that it can be readily retrieved;

 (4) the firearm is equipped with a trigger‑locking device and the device is on;

 (5) the person is a law enforcement officer or a member of the armed forces or national guard and the child obtains the firearm during, or incidental to, the performance of the person’s duties;

 (6) the child obtains, or obtains and discharges, the firearm in a lawful act of self‑defense or defense of another person or persons; or

 (7) a loaded firearm is kept on any premises which are under the custody or control of a person who has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

 Section 16‑24‑50. (A) If a person who violates this chapter is related within the third degree of consanguinity to a child who is injured or who dies as the result of an accidental shooting, the solicitor prosecuting the violation shall consider the impact of the injury or death on that person when deciding whether to prosecute the person for the violation.

 (B) The provisions of this chapter do not otherwise restrict, in any manner, the factors that a solicitor may consider when deciding whether to prosecute a person who violates this chapter.

 Section 16‑24‑60. (A) If a person who violates this chapter is related within the third degree of consanguinity to a child who is injured or who dies as the result of an accidental shooting, the arrest of the person for the violation of this chapter shall not occur until at least seven days after the date upon which the accidental shooting occurred.

 (B) In addition to the limitation contained in subsection (A), if the person to be arrested for violating this chapter is related within the third degree of consanguinity to a child who suffers serious bodily injury as a result of an accidental shooting, a law enforcement officer shall consider the health status of the injured child before arresting the person for violating this chapter.

 Section 16‑24‑70. (A) Upon the retail sale or transfer of a firearm, the seller shall deliver a written warning to the purchaser that states, in block letters not less than one‑fourth inch in height:

“IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY PERSON TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A CHILD UNDER THE AGE OF EIGHTEEN”.

 (B) A retail dealer who sells firearms shall conspicuously post at each purchase counter the following warning in block letters not less than one inch in height:

“IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A CHILD UNDER THE AGE OF EIGHTEEN”.

 (C) A person who knowingly violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars.

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

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