**South Carolina General Assembly**

125th Session, 2023-2024

**S. 359**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Massey and Verdin

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Introduced in the Senate on January 10, 2023

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

Summary: Second Amendment Sanctuary Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/10/2023 Senate Introduced and read first time ([Senate Journal‑page 205](h:\sj\20230110.docx))

1/10/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 205](h:\sj\20230110.docx))

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**VERSIONS OF THIS BILL**

[01/10/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/359_20230110.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “SECOND AMENDMENT SANCTUARY ACT”; AND BY ADDING ARTICLE 9, TO PROVIDE THAT THE ATTORNEY GENERAL MUST ISSUE AN OPINION REGARDING THE CONSTITUTIONALITY OF ANY FEDERAL LAW, TREATY, EXECUTIVE ORDER, RULE, OR REGULATION RELATED TO THE SECOND AMENDMENT, TO PROVIDE FOR ACTIONS THAT MAY NOT BE TAKEN BY THE STATE, POLITICAL SUBDIVISIONS, OR OFFICIALS, AGENTS, OR EMPLOYEES OF THE STATE UPON AN OPINION OF UNCONSTITUTIONALITY, TO REQUIRE THE ATTORNEY GENERAL TO DEFEND THE STATE AND ITS POLITICAL SUBDIVISIONS AGAINST ANY LEGAL ACTIONS BROUGHT AGAINST THE STATE OR A POLITICAL SUBDIVISION FOR CERTAIN ACTIONS, AND TO PROVIDE THAT THE ATTORNEY GENERAL MAY SEEK INJUNCTIVE RELIEF IN ANY COURT OF COMPETENT JURISDICTION TO ENJOIN ANY OFFICIAL, AGENT, OR EMPLOYEE OF THE GOVERNMENT OF THE UNITED STATES OR EMPLOYEE OF A CORPORATION PROVIDING SERVICES TO THE GOVERNMENT OF THE UNITED STATES FROM ENFORCING ANY FEDERAL LAW, TREATY, EXECUTIVE ORDER, RULE, OR REGULATION.

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

SECTION 1. (A) 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 upon.

(B) The General Assembly declares its authority to enact this act pursuant to:

(1) the Tenth Amendment to the Constitution of the United States, which guarantees to the states and their people all powers not granted to the federal government elsewhere in the Constitution and reserves to the State and people of South Carolina certain powers as they were understood at the time that South Carolina was admitted to the Union. The guaranty of those powers is a matter of contract between the State, the people of South Carolina, and the United States as of the time that South Carolina was admitted to the Union;

(2) the Ninth Amendment to the Constitution of the United States, which guarantees to the people rights not granted in the Constitution and reserves to the people of South Carolina certain rights as they were understood at the time that South Carolina was admitted to the Union. The guaranty of those rights is a matter of contract between the State, the people of South Carolina, and the United States;

(3) the Second Amendment to the Constitution of the United States, which reserves to the people, individually, the right to keep and bear arms as that right was understood at the time that South Carolina was admitted to the Union. The guaranty of that right is a matter of contract between the State, the people of South Carolina, and the United States as of the time South Carolina was admitted to the Union; and

(4) Section 20, Article I of the Constitution of the State of South Carolina, 1895, which clearly secures to South Carolina citizens, and prohibits governmental interference with, the right of individual South Carolina citizens to keep and bear arms.

SECTION 2. This act must be known and may be cited as the “Second Amendment Sanctuary Act”.

SECTION 3. Chapter 31, Title 23 of the S.C. Code is amended by adding:

ARTICLE 9

Second Amendment Sanctuary

Section 23‑31‑900. Any federal law, treaty, executive order, rule, or regulation related to the Second Amendment must be evaluated by the Attorney General. The Attorney General shall issue a written opinion of its constitutionality.

Section 23‑31‑910. Notwithstanding any other provision of law to the contrary, upon the issuance of an Attorney General’s opinion finding that a federal law, treaty, executive order, rule, or regulation related to the Second Amendment is unconstitutional:

(1) no public funds of this State, or any political subdivision of this State, shall be allocated for the implementation, regulation, or enforcement of that federal law, treaty, executive order, rule, or regulation;

(2) no personnel or property of this State, or any political subdivision of this State, shall be allocated to the implementation, regulation, or enforcement of that federal law, treaty, executive order, rule, or regulation; and

(3) no official, agent, or employee of the State of South Carolina, or any political subdivision of it, shall enforce or attempt to enforce that federal law, treaty, executive order, rule, or regulation.

Section 23‑31‑920. (A) The Attorney General shall defend any legal action brought against the State or political subdivision for an action taken pursuant to Section 23‑31‑910.

(B) The Attorney General may seek injunctive relief in any court of competent jurisdiction to enjoin any official, agent, or employee of the government of the United States or employee of a corporation providing services to the government of the United States from enforcing a federal law, treaty, executive order, rule, or regulation.

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then 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 5. This act takes effect upon approval by the Governor.

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