**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5331**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Bauer

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Introduced in the House on March 26, 2024

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

Summary: Firearms in unlocked cars

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/26/2024 House Introduced and read first time ([House Journal‑page 23](h:\hj\20240326.docx))

3/26/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 23](h:\hj\20240326.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5331&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/26/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5331_20240326.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16‑23‑540 SO AS TO CREATE THE OFFENSE OF NEGLIGENT CARRYING OF A FIREARM IN A MOTOR VEHICLE WHEN A MOTOR VEHICLE IS UNATTENDED AND UNLOCKED AND CONTAINS A FIREARM SUBSEQUENTLY STOLEN AND USED IN THE COMMISSION OF A CRIME, AND TO PROVIDE GRADUATED PENALTIES.

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

SECTION 1. Chapter 23, Title 16 of the S.C. Code is amended by adding:

Section 16‑23‑540. (A) For purposes of this section:

(1) “Firearm” means a rifle, shotgun, pistol, or similar device that propels a projectile through the energy of an explosive.

(2) “Motor vehicle” means as defined in Section 56‑1‑10.

(B) Notwithstanding the provisions of Section 16‑23‑20(D) regarding the lawful storage of a firearm in a motor vehicle, an owner or operator of a motor vehicle which is unattended and unlocked in which a firearm is knowingly contained may be charged with the offense of negligent carrying of a firearm in a motor vehicle if that firearm is stolen and used in the commission of a crime. A person who is convicted of an offense pursuant to the provisions of this section, upon conviction:

(1) for a first offense, is guilty of a misdemeanor and must be fined not more than one thousand dollars or imprisoned not more than one year, or both;

(2) for a second offense, is guilty of a misdemeanor and must be imprisoned not more than three years; or

(3) for a third or subsequent offense, is guilty of a felony and must be imprisoned not more than five years.

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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