**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4509**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. M.A. Pitts, Duncan, Rice, J.R. Smith, Bedingfield, Pinson, Parker, D.C. Smith, Hamilton, Millwood, V.S. Moss, Owens, Stringer, Wylie, G.R. Smith and Toole

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Introduced in the House on February 2, 2010

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

Summary: Firearms

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/2/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\02-02-10.docx)‑88

2/2/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\02-02-10.docx)‑88

2/16/2010 House Member(s) request name added as sponsor: G.R.Smith

3/25/2010 House Member(s) request name added as sponsor: Toole

**VERSIONS OF THIS BILL**

[2/2/2010](file:///p:\pprever\2009-10\4509_20100202.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑5‑135 SO AS TO MAKE FINDINGS OF THE GENERAL ASSEMBLY IN REGARD TO A PERSON’S RIGHT TO KEEP AND BEAR ARMS, TO PROVIDE THAT NO PUBLIC OFFICIAL OF ANY JURISDICTION MAY REQUIRE REGISTRATION OF PURCHASERS OF FIREARMS OR AMMUNITION WITHIN THE BOUNDARIES OF THIS STATE, AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS SECTION WHICH IS A FELONY.

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

SECTION 1. Chapter 5, Title 16 of the 1976 Code is amended by adding:

“Section 16‑5‑135. (A) The General Assembly of the State of South Carolina finds:

(1) No authority was given to the United States to limit or restrict the right of the citizens of this State to keep and bear arms;

(2) The United States Congress and all federal agencies are further expressly prohibited from infringing upon the rights of the citizens of this State to keep and bear arms by the Second Amendment to the Constitution of the United States which states:

‘A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.’;

(3) The 90th United States Congress attempted to exceed its authority in violation of Article II of the Bill of Rights of the United States Constitution in purporting to pass the so‑called ‘gun registration bill’ in the form of Public Law 90‑168;

(4) Federal agents have flouted the United States Constitution and foresworn their oath to support this Constitution by requiring registration of the purchasers of firearms and ammunition, and these requirements violate the limits of authority placed upon the federal agents by the United States Constitution and are dangerous to the liberties of the people; and

(5) Article XIII, Section 1 of the Constitution of South Carolina, 1985, provides that all able‑bodied male citizens between the ages of eighteen and forty-five are members of the militia of the State of South Carolina, and the effectiveness of these members in suppressing civil disorder or resisting invasion is impeded by infringing on the right of the people to keep and bear arms, by requiring registration of firearms and purchase of ammunition.

(B) Notwithstanding any other provision of law, no public official of any jurisdiction may require registration of purchasers of firearms or ammunition within the boundaries of this State.

(C) Any person violating the provisions of this subsection (B) is guilty of a felony and upon conviction must be punished by a fine not exceeding five thousand dollars, or a term of imprisonment not exceeding five years, or both.

(D) Any aggrieved party shall also have a private action against any person violating the provisions of subsection (B).”

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

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