**South Carolina General Assembly**

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**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, Yow, G.R. Smith and Pitts

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Introduced in the House on January 13, 2015

Currently residing in the House Committee on **Education and Public Works**

Summary: Second Amendment Education Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2014 House Prefiled

12/11/2014 House Referred to Committee on **Education and Public Works**

1/13/2015 House Introduced and read first time ([House Journal‑page 67](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/13/2015 House Referred to Committee on **Education and Public Works** ([House Journal‑page 67](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/15/2015 House Member(s) request name added as sponsor: Pitts

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**VERSIONS OF THIS BILL**

[12/11/2014](file:///p:\pprever\2015-16\3023_20141211.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SECOND AMENDMENT EDUCATION ACT OF 2015”; BY ADDING SECTION 59‑29‑25 SO AS TO DESIGNATE DECEMBER FIFTEENTH OF EACH YEAR AS “SECOND AMENDMENT AWARENESS DAY” IN SOUTH CAROLINA AND TO REQUIRE PUBLIC SCHOOLS TO CONDUCT POSTER OR ESSAY CONTESTS WITH RELATED THEMES, AND TO PROVIDE CERTAIN RECOGNITION FOR STATEWIDE CONTEST WINNERS; BY ADDING SECTION 59‑29‑125 SO AS TO PROVIDE ALL PUBLIC ELEMENTARY SCHOOLS, MIDDLE SCHOOLS, AND HIGH SCHOOLS SHALL PROVIDE INSTRUCTION IN THE SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION FOR AT LEAST THREE CONSECUTIVE WEEKS IN ONE GRADING PERIOD IN EACH ACADEMIC YEAR, TO PROVIDE THAT IN PUBLIC HIGH SCHOOLS THIS COURSEWORK MAY BE USED TO PARTIALLY SATISFY EXISTING REQUIREMENTS FOR TEACHING THE UNITED STATES CONSTITUTION, AND TO PROVIDE THE STATE SUPERINTENDENT OF EDUCATION SHALL ADOPT A CURRICULUM FOR TEACHING THE SECOND AMENDMENT THAT HAS BEEN DEVELOPED OR RECOMMENDED BY THE NATIONAL RIFLE ASSOCIATION, AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE COURSEWORK; AND TO AMEND SECTION 59‑29‑140, RELATING TO ENFORCEMENT OF THE STUDY OF THE UNITED STATES CONSTITUTION REQUISITE FOR GRADUATION, SO AS TO MAKE A CONFORMING CHANGE.

Whereas, the United States Constitution provides many important fundamental rights to people in the United States; and

Whereas, in 1789, the Second Amendment to the United States Constitution was ratified after vigorous debate and successfully advancing through a process designed to create changes in the Constitution only through tempered, deliberate, and thorough contemplation and discussion of the changes proposed, resulting in a genuine expression of the will of the majority of Americans; and

Whereas, the Second Amendment recognizes that a well‑regulated militia is necessary to the security of a free state, a fact repeatedly proven in the centuries since enactment of the Second Amendment, that people in the United States have a right to keep and bear arms, and that this right may not be infringed; and

Whereas, the right to bear arms has been increasingly and unjustly made the target of criticism when acts of violence involving gun use occur, rather than focusing on the underlying causes that led to the violent act; and

Whereas, one result of hostility toward the second amendment has been an absolute intolerance for any discussion of guns or depiction of guns in writing or in assignments in public schools, which is an affront to First Amendment rights and harshly inhibits creative expression and academic freedom; and

Whereas, it is vitally important for each person in the United States to understand his rights under the Constitution, and the public schools of this State should help achieve this goal by providing coursework to educate students about the Second Amendment to the United States Constitution. Now, therefore,

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

SECTION 1. This act must be known and may be cited as the “Second Amendment Education Act of 2015”.

SECTION 2. Article 1, Chapter 29, Title 59 of the 1976 Code is amended by adding:

“Section 59‑29‑25. (A) To recognize the importance of the Second Amendment to our fundamental rights as Americans, December fifteenth of each year is designated and must be recognized as ‘Second Amendment Awareness Day’ in South Carolina. On Second Amendment Awareness Day, schools shall conduct poster or essay contests themed ‘The Right To Bear Arms; One American Right Protecting All Others’ for each grade level and in which students of all grade levels may participate. The purpose of the poster or essay contest is to encourage students to exercise their First Amendment right to freedom of speech to express their views about the Second Amendment and its role in protecting other Constitutional rights. Each school shall select first place, second place, and honorary mention winners for each grade level. The first place winners of each school may compete for statewide recognition in the essay category, poster category, or both. The South Carolina Legislative Sportsmen’s Caucus shall select statewide first, second, and third place winners for each grade level in essay and poster submissions before February first of the following year.

(B) The parent of a student who wishes to excuse his child from participation must provide a written request for exemption to the school principal.”

SECTION 3. Article 1, Chapter 29, Title 59 of the 1976 Code is amended by adding:

“Section 59‑29‑125. (A) All public elementary schools, middle schools, and high schools shall provide instruction in the Second Amendment to the United States Constitution for at least three consecutive weeks during one grading period in each academic year. The Second Amendment coursework may be used to partially satisfy the requirements of Section 59‑29‑120(A) for public high schools.

(B) Within thirty days of the enactment of this statute, the State Superintendent of Education shall adopt a curriculum developed or recommended by the National Rifle Association or its successor organization. At a minimum, this curriculum shall require a scholarly analysis of the Second Amendment including, but not limited to:

(1) a thorough analysis of the language of the prefatory clause and operative clause of the amendment, and discussion of how the right to keep and bear arms under the Second Amendment is not limited solely to citizens who are members of a militia but also applies to people for self defense;

(2) a definition of the term ‘arms’ in the context of the Second Amendment, including a discussion of whether arms that are limited to the types of weapons that were available to the people who wrote the Second Amendment in 1789 or whether the term arms also anticipated evolutions in weaponry to include modern day handguns and other weapons that are protected under the Second Amendment;

(3) history surrounding passage and ratification of the Second Amendment;

(4) landmark cases of the Supreme Court of the United States that interpret the Second Amendment, including the *United States v. Cruikshank*, the *United States v. Miller*, the *District of Columbia v. Heller*, and *McDonald v. Chicago*;

(5) the constitutionality of gun control laws; and

(6) issues concerning the underlying causes of gun violence, including mass shootings, and the impact of legislative reactions to gun violence on Constitutional rights and the impact on reducing gun violence, if any.

(C) Any practices or policies that discourage or punish political, written, or artistic expression that includes references to guns or a militia are prohibited because they disregard free speech rights provided in the First Amendment to the United States Constitution and inhibit creative expression and academic freedom necessary for a genuine educational atmosphere.”

SECTION 4. Section 59‑29‑140 of the 1976 Code is amended to read:

“Section 59‑29‑140. The State Superintendent of Education shall make due arrangements for carrying out the provisions of Sections 59‑29‑120 ~~and~~, 59‑29‑125, and 59‑29‑130. For ~~such~~ this purpose the State Superintendent shall prescribe suitable texts adapted to the needs of the high schools, universities, and colleges for the instruction required ~~under~~ in Sections 59‑29‑120 and 59‑29‑130.”

SECTION 5. This act takes effect upon approval by the Governor and applies beginning with the 2015‑2016 academic year.

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