**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4491**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Putnam

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Introduced in the House on January 12, 2016

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

Summary: Penalty for unlawfully carrying a concealed weapon

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2015 House Prefiled

12/3/2015 House Referred to Committee on **Judiciary**

1/12/2016 House Introduced and read first time ([House Journal‑page 81](file:///h:\HJ%20Archive\2016\01-12-16.docx))

1/12/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 81](file:///h:\HJ%20Archive\2016\01-12-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4491&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/3/2015](file:///p:\pprever\2015-16\4491_20151203.docx)

**A** **BILL**

TO AMEND SECTION 16‑23‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES IMPOSED UPON A PERSON WHO UNLAWFULLY CARRIES CERTAIN WEAPONS, SO AS TO REVISE THE PENALTIES IMPOSED UPON RESIDENTS OF THIS STATE WHO UNLAWFULLY CARRY A CONCEALED WEAPON, AND TO PROVIDE THAT ONLY A HANDGUN INVOLVED IN A VIOLATION OF THIS PROVISION DURING THE COMMISSION OF A CRIME MUST BE CONFISCATED; AND TO AMEND SECTION 23‑31‑215, AS AMENDED, RELATING TO THE ISSUANCE OF A CONCEALED WEAPON PERMIT, SO AS TO REVISE THE PENALTY IMPOSED UPON A PERSON WHOSE PERMIT HAS EXPIRED.

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

SECTION 1. Section 16‑23‑50 of the 1976 Code is amended to read:

“Section 16‑23‑50. (A)(1) A person, including a dealer, who violates the provisions of this article, except Section 16‑23‑20, is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

(2) A ~~person violating~~ resident of this State that carries a concealed weapon into a school or on federal property in violation of Section 16‑23‑20 or a nonresident of this State who violates the provisions of Section 16‑23‑20 is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both. A resident of this State that carries a concealed weapon in a location other than a school or on federal property in violation of Section 16-23‑20 must have a civil fine of not more than twenty‑five dollars imposed upon him.

(B) In addition to the penalty provided in this section, the handgun involved in the violation of this article must be confiscated only if it was used during the commission of a crime. The handgun must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated handgun may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell handguns in this State for a handgun or any other equipment approved by the agency, or destroy it. A weapon must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the handgun, the division may keep the handgun for use by its forensic laboratory. Records must be kept of all confiscated handguns received by the law enforcement agencies under the provisions of this article.”

SECTION 2. Section 23‑31‑215(U) of the 1976 Code, as added by Act 123 of 2014, is amended to read:

“(U) A concealable weapon permit holder whose permit has been expired for no more than one year may not be charged with a violation of Section 16‑23‑20 but must be fined not more than ~~one hundred~~ twenty‑five dollars.”

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

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