**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑23‑540 SO AS TO REQUIRE AN OWNER OR OTHER PERSON LAWFULLY IN POSSESSION OF A FIREARM, RIFLE, OR SHOTGUN TO REPORT THE LOSS OR THEFT OF EACH SUCH WEAPON, TO REQUIRE THE APPROPRIATE LAW ENFORCEMENT AGENCY TO COLLECT CERTAIN INFORMATION REGARDING A LOST OR STOLEN WEAPON, AND TO PROVIDE GRADUATED PENALTIES FOR THE FAILURE TO REPORT A LOST OR STOLEN WEAPON.

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

SECTION 1. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16‑23‑540. (A) An owner or other person who is lawfully in possession of a firearm, rifle, or shotgun in this State who suffers the loss or theft of such weapon shall report, within twenty‑four hours of discovery, the loss or theft of each weapon to the appropriate local law enforcement agency, whether local police department or county sheriff’s office, which would have appropriate jurisdiction where the weapon is located. In addition, the facts and circumstances of the loss or theft also must be reported to the appropriate law enforcement agency to which the report is made.

(B) The law enforcement agency which received the report of the loss or theft pursuant to the provisions of subsection (A) shall collect all pertinent information including, but not limited to, the weapon’s serial number, make, model, caliber, and any distinguishing marks or numbers. The law enforcement agency shall notify all other local, state, or federal law enforcement agencies, as appropriate, of the loss or theft of the weapon. Reports of lost or stolen weapons must be recorded on the standard incident form used by the agency and stored in the normal manner used for incident reports.

(C) A person who violates the provisions of subsection (A):

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars;

(2) for a second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars; and

(3) for a third or subsequent offense, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars but not more than one thousand dollars or imprisoned for not more than three years. A person who is convicted of a third or subsequent violation of the provisions of this item is prohibited from owning such weapons for a period of three years from the date of conviction.

(D) Only those violations which occurred within a period of five years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.”

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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