**A** **BILL**

TO AMEND SECTION 16‑23‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES ASSOCIATED WITH THE UNLAWFUL CARRYING, SALE, POSSESSION, DELIVERY, LEASE, RENT, BARTER, EXCHANGE, OR TRANSPORT OF HANDGUNS BY CERTAIN PERSONS, AND THE DISPOSAL OF CERTAIN WEAPONS BY LAW ENFORCEMENT AGENCIES, SO AS TO INCREASE THE PENALTY FOR THE UNLAWFUL SALE, DELIVERY, LEASE, RENT, BARTER, LOAN, EXCHANGE, OR TRANSPORT OF CERTAIN HANDGUNS AND PROVIDE THAT RECORDS OF ALL HANDGUNS CONFISCATED BY LAW ENFORCEMENT AGENCIES MUST BE MADE AVAILABLE TO THE PUBLIC AND MUST TRACE THE ORIGINS OF THE HANDGUNS.

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 and Section 16‑23‑30, 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 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.

(3) A person violating the provisions of Section 16‑23‑30 is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(B) In addition to the penalty provided in this section, the handgun involved in the violation of this article must be confiscated. 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. Public records must be kept of all confiscated handguns received by the law enforcement agencies under the provisions of this article that shall trace their origins.”

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

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