**A** **BILL**

TO AMEND SECTION 16‑23‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL CARRYING OF HANDGUNS AND EXCEPTIONS, SO AS TO PROHIBIT CUSTODIAL ARREST OF A PERSON IN POSSESSION OF A LAWFUL HANDGUN AND PROHIBIT CONFISCATION OF A LAWFUL HANDGUN UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 16‑23‑20(9) of the 1976 Code, as last amended by Act 66 of 2021, is further amended to read:

“(9) a person in a vehicle if the handgun is:

(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver’s license, registration, or proof of insurance. If the person has been issued a concealed weapon permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle’s passenger compartment. A violation of this subitem when a handgun is found to be located underneath a vehicle’s seat does not subject the lawful owner, driver, or any passenger in that vehicle containing the handgun that is not stolen or otherwise unlawful to custodial arrest or confiscation of the handgun. The law enforcement officer on the scene shall advise the person in possession of the handgun how to lawfully store the handgun pursuant to the provisions of this item; or

(b) carried openly or concealed on or about his person, and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;”

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

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