**South Carolina General Assembly**

126th Session, 2025-2026

**S. 136**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Tedder, Leber, Kimbrell and Rice

Companion/Similar bill(s): 138

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Introduced in the Senate on January 14, 2025

Introduced in the House on March 4, 2025

Last Amended on February 25, 2025

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

Summary: Dismissal of pending gun possession charges

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2024 Senate Prefiled

 12/11/2024 Senate Referred to Committee on **Judiciary**

 1/14/2025 Senate Introduced and read first time (Senate Journal‑page 888)

 1/14/2025 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 88)

 1/17/2025 Scrivener's error corrected

 2/19/2025 Senate Committee report: Favorable **Judiciary** (Senate Journal‑page 11)

 2/25/2025 Senate Amended (Senate Journal‑page 17)

 2/25/2025 Senate Read second time (Senate Journal‑page 17)

 2/25/2025 Senate Roll call Ayes-43 Nays-0 (Senate Journal‑page 17)

 2/26/2025 Senate Read third time and sent to House (Senate Journal‑page 20)

 3/4/2025 House Introduced and read first time (House Journal‑page 12)

 3/4/2025 House Referred to Committee on **Judiciary** (House Journal‑page 12)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=136&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/136_20241211.docx)

[01/17/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/136_20250117.docx)

[02/19/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/136_20250219.docx)

[02/25/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/136_20250225.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

February 25, 2025

S. 136

Introduced by Senators Tedder, Leber, Kimbrell and Rice

S. Printed 2/25/25--S.

Read the first time January 14, 2025

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17‑1‑65, RELATING TO THE EXPUNGEMENT OF CONVICTIONS FOR THE UNLAWFUL POSSESSION OF HANDGUNS, SO AS TO PROVIDE THE STATE MUST DISMISS CERTAIN PENDING UNLAWFUL HANDGUN POSSESSION CHARGES THAT OCCURRED PRIOR TO THE ENACTMENT OF THE South carolina CONSTITUTIONAL CARRY/SECOND AMENDMENT PRESERVATION ACT OF 2024, AND TO PROVIDE THE DISMISSAL OF THESE CHARGES DOES NOT MANDATE THE DISMISSAL OF OTHER RELATED CHARGES OR MAY SERVE AS A BASIS OR SUPPORT FOR CIVIL ACTIONS DUE TO THE ARREST.

 Amend Title To Conform

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

SECTION 1. Section 17‑1‑65 of the S.C. Code is amended to read:

 Section 17‑1‑65. (A) A person may apply for an expungement of one conviction for unlawful possession of a handgun as provided in Section 16‑23‑20, if the conviction occurred prior to the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024. An application under this section must be made within five years of the enactment of this section.

 (B) The State must dismiss all charges pending against a person for unlawful possession of a handgun pursuant to Section 16‑23‑20 if the charges occurred prior to the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024, notwithstanding the savings clause contained in SECTION 25 of that act. However this section does not mandate an immediate dismissal, if such unlawful possession of a handgun charge was charged in conjunction with any other criminal offense arising out of the same facts and circumstances. Upon the disposition of those associated offenses the unlawful possession of a handgun offense under the prior Section 16-23-20 must be dismissed pursuant to this section and expunged provided a person has not previously had an expungement under subsection (A). Dismissal pursuant to this section may not serve as a basis or support for any civil action due to the arrest.

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

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