**South Carolina General Assembly**

126th Session, 2025-2026

**S. 138**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Tedder and Leber

Companion/Similar bill(s): 136

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Introduced in the Senate on January 14, 2025

Currently residing in the Senate

Summary: Dismissal of pending Handgun 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 88)

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

 1/17/2025 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/138_20241211.docx)

[01/17/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/138_20250117.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-1-65, RELATING TO THE SOUTH CAROLINA CONSTITUTIONAL CARRY/SECOND AMENDMENT PRESERVATION ACT OF 2024, SO AS TO PROVIDE THAT THE STATE MUST DISMISS SELECT PENDING UNLAWFUL HANDGUN POSSESSION CHARGES.

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 of South Carolina must dismiss all charges pending against a person for unlawful possession of a handgun pursuant of Section 13-23-20 that were nullified by 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. If such unlawful possession of a handgun charge was used as probable cause for another offense arising from the same incident, this section does not mandate that those associated charges be dismissed. Dismissal of the Section 16-23-20 charge may not serve as a basis or support for any civil action due to the arrest of the Section 16-23-20 charge by law enforcement officers or prosecutors.

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

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