**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3040**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Gilliard

Companion/Similar bill(s): 3650

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Introduced in the House on January 14, 2025

Currently residing in the House

Summary: Drive-by Shootings

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/5/2024 House Prefiled

 12/5/2024 House Referred to Committee on **Judiciary**

 1/14/2025 House Introduced and read first time (House Journal‑page 76)

 1/14/2025 House Referred to Committee on **Judiciary** (House Journal‑page 76)

 2/4/2025 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3040_20241205.docx)

[02/04/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3040_20250204.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑23‑440, RELATING TO DISCHARGING FIREARMS AT OR INTO DWELLINGS, STRUCTURES, ENCLOSURES, VEHICLES, OR EQUIPMENT; AND ASSOCIATED PENALTIES, SO AS TO EXPAND THE PURVIEW OF THE OFFENSE TO CERTAIN NONEXCLUSIVE PLACES, AND TO PROVIDE FOR LIFE IMPRISONMENT WITHOUT PAROLE WHEN ANY TYPE OF BODILY INJURY IS SUFFERED AS A RESULT OF THE OFFENSE.

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

SECTION 1. Section 16‑23‑440 of the S.C. Code is amended to read:

 Section 16‑23‑440. (A) It is unlawful for a person to discharge or cause to be discharged unlawfully firearms at or into a dwelling house, or other building, structure, or enclosure, or outdoor area regularly occupied by persons including, but not limited to, schools, churches or places of worship, indoor or outdoor shopping areas or malls, movie theatres, parking lots, or any other public gathering where three or more persons have come together as a group. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than ten years, or both.

 (B) It is unlawful for a person to discharge or cause to be discharged unlawfully firearms at or into any vehicle, aircraft, watercraft, or other conveyance, device, or equipment while it is occupied. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than ten years, or both.

 (C) A person who violates the provisions of this section and who causes another person to suffer any type of bodily injury as a result is guilty of a felony and, upon conviction, must be sentenced to life imprisonment without the possibility of parole, unless otherwise charged and sentenced for murder pursuant Section 16‑3‑20.

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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