**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3650**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith, Wooten, Pope, Chapman, W. Newton, Bailey, Robbins, Crawford, Guest, Caskey, Forrest, B. Newton, Hixon and Taylor

Companion/Similar bill(s): 3040

Document Path: LC-0054AHB25.docx

Introduced in the House on January 14, 2025

Introduced in the Senate on March 6, 2025

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

Summary: Discharging firearms into dwellings and other structures

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/12/2024 House Prefiled

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

 1/14/2025 House Introduced and read first time (House Journal‑page 280)

 1/14/2025 House Referred to Committee on **Judiciary** (House Journal‑page 280)

 1/29/2025 House Member(s) request name added as sponsor: Bailey

 1/30/2025 House Member(s) request name added as sponsor: Robbins

 2/13/2025 House Member(s) request name added as sponsor:
 Crawford, Guest

 2/26/2025 House Committee report: Favorable **Judiciary** (House Journal‑page 77)

 2/27/2025 House Member(s) request name added as sponsor: Caskey

 3/4/2025 House Member(s) request name added as sponsor: Forrest,
 B. Newton, Hixon, Taylor

 3/4/2025 House Read second time (House Journal‑page 24)

 3/4/2025 House Roll call Yeas-111 Nays-0 (House Journal‑page 25)

 3/5/2025 House Read third time and sent to Senate (House Journal‑page 17)

 3/6/2025 Senate Introduced and read first time (Senate Journal‑page 5)

 3/6/2025 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 5)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3650&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/12/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3650_20241212.docx)

[02/26/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3650_20250226.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

February 26, 2025

H. 3650

Introduced by Reps. G. M. Smith, Wooten, Pope, Chapman, W. Newton, Bailey, Robbins, Crawford and Guest

S. Printed 2/26/25--H.

Read the first time January 14, 2025

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The committee on House Judiciary

To whom was referred a Bill (H. 3650) to amend the South Carolina Code of Laws by amending Section 16‑1‑60, relating to offenses defined as violent crimes, so as to include the offense of discharging, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass:

W. NEWTON for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill adds the requirement that discharging of a firearm at or into a dwelling house, other building, structure, enclosure, vehicle, aircraft, watercraft, or other conveyance, device, or equipment must be done knowingly and willingly in order to be a crime under §16-23-440 and adds this constitutes a violent crime. The bill also expands the penalty schedule for the knowing and intentional discharge of a firearm at or into these structures or devices.

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| **Current: Section 16-23-440(A), Felony Offense** |
| *Unlawful discharge of firearms at/into dwelling house, building, structure, or enclosure regularly occupied by persons* |
| Penalty | $1,000 or imprisonment <10 years, or both |
| **Proposed: Section 16-23-440(A)(1), Felony Offense** |
| *Knowing and intentional discharge of firearms at/into dwelling house, building, structure, or enclosure regularly occupied by persons* |
| Penalty | $20,000 and imprisonment <10 years |
| **Proposed: Section 16-23-440(A)(2), Felony Offense** |
| *Same offense as (A)(1) where any occupant is struck, or bodily injury occurs or is the proximate cause of discharge of the firearm* |
| Penalty | $50,000 and imprisonment <15 years |
| **Current: Section 16-23-440(B), Felony Offense** |
| *Unlawful discharge of firearms at/into any vehicle, aircraft, watercraft, or other conveyance, device, or equipment while it is occupied* |
| Penalty | $1,000 or imprisonment <10 years, or both |
| **Proposed: Section 16-23-440(B)(1), Felony Offense** |
| *Knowing and intentional discharge of firearms at/into any vehicle, aircraft, watercraft, or other conveyance, device, or equipment while it is occupied* |
| Penalty | $20,000 and imprisonment <10 years |
| **Proposed: Section 16-23-440(B)(2), Felony Offense** |
| *Same offense as (B)(1) where any occupant is struck, or bodily injury occurs or is the proximate cause of discharge of the firearm* |
| Penalty | $50,000 and imprisonment <15 years |

Specifying that this offense as a violent crime renders a defendant ineligible for diversion programs and the Youthful Offender Act, affects the factors considered in a defendant’s release on bond, renders the defendant subject to additional imprisonment, and affects a defendant’s parole proceedings, among other items.

This bill may impact the General Sessions court caseload as it adds a requirement that the action be knowing and intentional and may affect the number of incarcerations due to the expansion of the penalty schedule. This may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, Corrections, and PPP. The potential increase in expenses for each agency will depend upon the increase in workload and number of incarcerations. These agencies anticipate that the potential increase in workload can be managed within existing appropriations. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was $40,429, of which $36,553 was state funded.

State Revenue

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in a change to General Fund and Other Funds revenue due to any change in fines and fees collections in court.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑1‑60, RELATING TO OFFENSES DEFINED AS VIOLENT CRIMES, SO AS TO INCLUDE THE OFFENSE OF DISCHARGING FIREARMS AT OR INTO A DWELLING HOUSE, OTHER BUILDING, STRUCTURE, ENCLOSURE, VEHICLE, AIRCRAFT, WATERCRAFT, OR OTHER CONVEYANCE, DEVICE, OR EQUIPMENT; AND BY AMENDING SECTION 16‑23‑440, RELATING TO DISCHARGING FIREARMS INTO A DWELLING HOUSE, OTHER BUILDING, STRUCTURE, ENCLOSURE, VEHICLE, AIRCRAFT, WATERCRAFT, OR OTHER CONVEYANCE, DEVICE, OR EQUIPMENT, SO AS TO CREATE A TIERED PENALTY STRUCTURE.

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

SECTION 1. Section 16‑1‑60 of the S.C. Code is amended to read:

 Section 16‑1‑60. For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16‑3‑10); attempted murder (Section 16‑3‑29); assault and battery by mob, first degree, resulting in death (Section 16‑3‑210(B)), criminal sexual conduct in the first and second degree (Sections 16‑3‑652 and 16‑3‑653); criminal sexual conduct with minors, first, second, and third degree (Section 16‑3‑655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16‑3‑656); assault and battery with intent to kill (Section 16‑3‑620); assault and battery of a high and aggravated nature (Section 16‑3‑600(B)); kidnapping (Section 16‑3‑910); trafficking in persons (Section 16‑3‑2020); voluntary manslaughter (Section 16‑3‑50); armed robbery (Section 16‑11‑330(A)); attempted armed robbery (Section 16‑11‑330(B)); carjacking (Section 16‑3‑1075); drug trafficking as defined in Section 44‑53‑370(e) or trafficking cocaine base as defined in Section 44‑53‑375(C); manufacturing or trafficking methamphetamine as defined in Section 44‑53‑375; arson in the first degree (Section 16‑11‑110(A)); arson in the second degree (Section 16‑11‑110(B)); burglary in the first degree (Section 16‑11‑311); burglary in the second degree (Section 16‑11‑312(B)); engaging a child for a sexual performance (Section 16‑3‑810); homicide by child abuse (Section 16‑3‑85(A)(1)); aiding and abetting homicide by child abuse (Section 16‑3‑85(A)(2)); inflicting great bodily injury upon a child (Section 16‑3‑95(A)); allowing great bodily injury to be inflicted upon a child (Section 16‑3‑95(B)); domestic violence of a high and aggravated nature (Section 16‑25‑65); domestic violence in the first degree (Section 16‑25‑20(B)); abuse or neglect of a vulnerable adult resulting in death (Section 43‑35‑85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43‑35‑85(E)); taking of a hostage by an inmate (Section 24‑13‑450); detonating a destructive device upon the capitol grounds resulting in death with malice (Section 10‑11‑325(B)(1)); spousal sexual battery (Section 16‑3‑615); producing, directing, or promoting sexual performance by a child (Section 16‑3‑820); sexual exploitation of a minor first degree (Section 16‑15‑395); sexual exploitation of a minor second degree (Section 16‑15‑405); promoting prostitution of a minor (Section 16‑15‑415); participating in prostitution of a minor (Section 16‑15‑425); aggravated voyeurism (Section 16‑17‑470(C)); discharging firearms at or into a dwelling house, other building, structure, enclosure, vehicle, aircraft, watercraft, or other conveyance, device, or equipment (Section 16‑23‑440); detonating a destructive device resulting in death with malice (Section 16‑23‑720(A)(1)); detonating a destructive device resulting in death without malice (Section 16‑23‑720(A)(2)); boating under the influence resulting in death (Section 50‑21‑113(A)(2)); vessel operator’s failure to render assistance resulting in death (Section 50‑21‑130(A)(3)); damaging an airport facility or removing equipment resulting in death (Section 55‑1‑30(3)); failure to stop when signaled by a law enforcement vehicle resulting in death (Section 56‑5‑750(C)(2)); interference with traffic‑control devices, railroad signs, or signals resulting in death (Section 56‑5‑1030(B)(3)); hit and run resulting in death (Section 56‑5‑1210(A)(3)); felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death (Section 56‑5‑2945(A)(2)); putting destructive or injurious materials on a highway resulting in death (Section 57‑7‑20(D)); obstruction of a railroad resulting in death (Section 58‑17‑4090); accessory before the fact to commit any of the above offenses (Section 16‑1‑40); and attempt to commit any of the above offenses (Section 16‑1‑80). Only those offenses specifically enumerated in this section are considered violent offenses.

SECTION 2. 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 knowingly and intentionally discharge or cause to be discharged unlawfully firearms at or into a dwelling house, other building, structure, or enclosure regularly occupied by persons. 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. must be fined not more than:

 (1) twenty thousand dollars and imprisoned not more than ten years; and

 (2) fifty thousand dollars and imprisoned not more than fifteen years when any occupant is struck or bodily injury occurs as a proximate cause of the discharge of a firearm.

 (B) It is unlawful for a person to knowingly and intentionally 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.must be fined not more than:

 (1) twenty thousand dollars and imprisoned not more than ten years; and

 (2) fifty thousand dollars and imprisoned not more than fifteen years when any occupant is struck or bodily injury occurs as a proximate cause of the discharge of a firearm.

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

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