

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

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4 HOUSE AMENDMENTS AMENDED

5 May 27, 2008

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S. 968

8

9 Introduced by Senators McGill, O'Dell, Williams and Knotts

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11 S. Printed 5/27/08--S.

12 Read the first time January 9, 2008.

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9 **A BILL**

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11 TO AMEND SECTION 16-23-405, CODE OF LAWS OF SOUTH
12 CAROLINA, 1976, RELATING TO DEFINITION OF
13 "WEAPON" AND THE HANDLING OF WEAPONS USED IN
14 THE COMMISSION OF A CRIME, SO AS TO REMOVE
15 "KNIFE WITH A BLADE OVER TWO INCHES LONG" FROM
16 THE DEFINITION; AND TO AMEND SECTION 16-23-460,
17 RELATING TO CARRYING CONCEALED WEAPONS, SO AS
18 TO PROVIDE FOR THE EXCLUSION OF KNIVES WITHIN
19 THE PURVIEW OF THE OFFENSE UNLESS THEY ARE USED
20 WITH THE INTENT TO COMMIT A CRIME.

21 Amend Title To Conform
22

23 Be it enacted by the General Assembly of the State of South
24 Carolina:
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26 SECTION 1. Section 16-23-405 of the 1976 Code is amended to
27 read:
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29 "Section 16-23-405. ~~(1)(A)~~ Except for the provisions relating
30 to rifles and shotguns in Section 16-23-460, as used in this chapter,
31 'weapon' means firearm (rifle, shotgun, pistol, or similar device
32 that propels a projectile through the energy of an explosive), a
33 ~~knife with a blade over two inches long,~~ a blackjack, a metal pipe
34 or pole, or any other type of device, or object which may be used
35 to inflict bodily injury or death.

36 ~~(2)(B)~~ A person convicted of a crime, in addition to a penalty,
37 shall have a weapon used in the commission or in furtherance of
38 the crime confiscated. Each weapon must be delivered to the chief
39 of police of the municipality or to the sheriff of the county if the
40 violation occurred outside the corporate limits of a municipality.
41 The law enforcement agency that receives the confiscated weapon
42 may use it within the agency, transfer it to another law
43 enforcement agency for the lawful use of that agency, trade it with
44 a retail dealer licensed to sell pistols in this State for a pistol or

1 other equipment approved by the agency, or destroy it. A weapon
2 ~~must~~ may not be disposed of ~~in any manner~~ until the results of
3 ~~any~~ all legal ~~proceeding~~ proceedings in which it may be involved
4 are finally determined. A firearm seized by the State Law
5 Enforcement Division may be kept by the division for use by its
6 forensic laboratory.”

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8 SECTION 2. Section 16-23-460 of the 1976 Code is amended to
9 read:

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11 “Section 16-23-460. (A) ~~Any~~ A person carrying a deadly
12 weapon usually used for the infliction of personal injury concealed
13 about his person is guilty of a misdemeanor, must forfeit to the
14 county, or, if convicted in a municipal court, to the municipality
15 the concealed weapon, and must be fined not less than two
16 hundred dollars nor more than five hundred dollars or imprisoned
17 not less than thirty days nor more than ninety days.

18 ~~(B) Nothing herein contained may be construed to~~ The
19 ~~provisions of this section do not apply to:~~

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(1) ~~persons~~ A person carrying a concealed ~~weapons~~ weapon
21 upon ~~their~~ his own premises or pursuant to and in compliance with
22 Article 4 of Chapter 31 of Title 23; or

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(2) peace officers in the actual discharge of their duties.

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(C) The provisions of this section also do not apply to rifles,
25 shotguns, dirks, slingshots, metal knuckles, knives, or razors
26 unless they are used with the intent to commit a crime or in
27 furtherance of a crime.”

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29 SECTION 3. Section 10-11-320 of the 1976 Code, as last
30 amended by Act 237 of 2000, is further amended to read:

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32 “Section 10-11-320. (A) It ~~shall be~~ is unlawful for any person
33 or group of persons to:

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(a) ~~(1)~~ to carry or have readily accessible to the person upon
35 the capitol grounds or within the capitol building any firearm or
36 dangerous weapon; or

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(b) ~~(2)~~ to discharge any firearm or to use any dangerous
38 weapon upon the capitol grounds or within the capitol building.

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(B) This section does not apply to a person who possesses a
40 concealable weapons’ permit pursuant to Article 4, Chapter 31,
41 Title 23 and is authorized to park on the capitol grounds or in the
42 parking garage below the capitol grounds. The firearm must
43 remain locked in the person’s vehicle while on or below the capitol
44 grounds and must be stored in a place in the vehicle that is not

readily accessible to any person upon entry to or below the capitol grounds.”

SECTION 4. 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 5. This act takes effect upon approval by the Governor.

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