

South Carolina General Assembly
118th Session, 2009-2010

H. 4022

STATUS INFORMATION

General Bill

Sponsors: Reps. E.H. Pitts, G.M. Smith, G.R. Smith, Millwood, Hamilton, Nanney, Bedingfield, Duncan, M.A. Pitts, Simrill, V.S. Moss, Gambrell, Rice, Owens, Vick and Viers

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Companion/Similar bill(s): 794

Introduced in the House on May 12, 2009

Introduced in the Senate on January 12, 2010

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

Summary: Firearms Freedom Act

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
5/12/2009	House	Introduced and read first time HJ-54
5/12/2009	House	Referred to Committee on Judiciary HJ-54
5/19/2009	House	Member(s) request name added as sponsor: Gambrell, Rice, Owens
5/19/2009	House	Recalled from Committee on Judiciary HJ-36
5/20/2009	House	Member(s) request name added as sponsor: Vick, Viers
5/20/2009	House	Read second time HJ-31
5/20/2009	House	Roll call Yeas-113 Nays-0 HJ-31
5/21/2009	House	Read third time and sent to Senate HJ-12
5/21/2009		Scrivener's error corrected
1/12/2010	Senate	Introduced and read first time SJ-69
1/12/2010	Senate	Referred to Committee on Judiciary SJ-69
1/19/2010	Senate	Referred to Subcommittee: Knotts (ch), Massey, Coleman

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VERSIONS OF THIS BILL

[5/12/2009](#)

[5/19/2009](#)

[5/21/2009](#)

1 RECALLED
2 May 19, 2009
3

H. 4022

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5

6 Introduced by Reps. E.H. Pitts, G.M. Smith, G.R. Smith,
7 Millwood, Hamilton, Nanney, Bedingfield, Duncan, M.A. Pitts,
8 Simrill, V.S. Moss, Gambrell, Rice and Owens

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10 S. Printed 5/19/09--H. [SEC 5/21/09 2:42 PM]

11 Read the first time May 12, 2009.

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A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO ENACT THE “SOUTH CAROLINA FIREARMS FREEDOM ACT”, TO PROVIDE THAT A FIREARM, FIREARM ACCESSORY, OR AMMUNITION MANUFACTURED AND RETAINED IN SOUTH CAROLINA IS EXEMPT FROM FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE CONSTITUTION OF THE UNITED STATES.

Whereas, the tenth amendment to the United States Constitution guarantees and reserves for the states all powers not granted to the federal government in the Constitution; and

Whereas, the ninth amendment to the United States Constitution guarantees to the people rights not granted in the Constitution and reserves to the people of South Carolina certain rights. The guaranty of those rights is a matter of contract between the State and people of South Carolina and the United States; and

Whereas, the regulation of intrastate commerce is vested in the states under the ninth and tenth amendments to the United States Constitution, particularly if not expressly preempted by federal law. Congress has not expressly preempted state regulation of intrastate commerce pertaining to the manufacture on an intrastate basis of firearms, firearms accessories, and ammunition; and

Whereas, the second amendment to the United States Constitution reserves to the people the right to keep and bear arms as that right was understood at the time that South Carolina was admitted to statehood in 1788, and the guaranty of the right is a matter of contract between the State and people of South Carolina and the

1 for functional usefulness, including, but not limited to, forging,
2 casting, machining, or other processes for working materials.

3
4 Section 23-31-710. (A) A personal firearm, a firearm
5 accessory, or ammunition that is manufactured commercially or
6 privately in South Carolina and that remains within the borders of
7 South Carolina is not subject to federal law or federal regulation,
8 including registration, under the authority of Congress to regulate
9 interstate commerce.

10 (B) This section applies to a firearm, a firearm accessory, or
11 ammunition that is manufactured in South Carolina from basic
12 materials and that can be manufactured without the inclusion of
13 any significant parts imported from another state.

14 (C) Generic and insignificant parts that have other
15 manufacturing or consumer product applications are not firearms,
16 firearms accessories, or ammunition.

17 (D) Basic materials such as unmachined steel and unshaped
18 wood are not firearms, firearms accessories, or ammunition.

19 (E) Basic materials are subject only to intrastate commerce
20 regulation.

21 (F) Firearms accessories that are imported into South Carolina
22 from another state and that are subject to federal regulation as
23 being in interstate commerce do not subject a firearm to federal
24 regulation under interstate commerce because they are attached to
25 or used in conjunction with a firearm in South Carolina.

26
27 Section 23-31-715. This article does not apply to the
28 following:

29 (1) a firearm that cannot be carried and used by one person;

30 (2) a firearm that has a bore diameter greater than one and
31 one-half inches and that uses smokeless powder, not black powder,
32 as a propellant;

33 (3) ammunition with a projectile that explodes using an
34 explosion of chemical energy after the projectile leaves the
35 firearm; or

36 (4) a firearm that discharges two or more projectiles with one
37 activation of the trigger or other firing device.

38
39 Section 23-31-720. A firearm manufactured or sold in South
40 Carolina pursuant to this article must have the words 'Made in
41 South Carolina' clearly stamped on a central metallic part, such as
42 the receiver or frame."

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

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