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COMMITTEE REPORT

March 27, 2014

**S. 986**

Introduced by Senator Campsen

S. Printed 3/27/14--H.

Read the first time March 12, 2014.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (S. 986) to amend Section 50‑1‑90 of the 1976 Code, relating to hunting, fishing, or trapping without consent on the land of others, to increase the penalties, etc., respectfully

**REPORT:**

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

NELSON L. HARDWICK for Committee.

**A** **BILL**

TO AMEND SECTION 50‑1‑90 OF THE 1976 CODE, RELATING TO HUNTING, FISHING, OR TRAPPING WITHOUT CONSENT ON THE LAND OF OTHERS, TO INCREASE THE PENALTIES FOR THESE OFFENSES.

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

SECTION 1. Section 50‑1‑90 of the 1976 Code is amended to read:

“Section 50‑1‑90. If any person, at any time whatsoever, shall hunt or range on any lands or shall enter thereon, for the purpose of hunting, fishing, or trapping, without the consent of the owner or manager thereof, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall, for a first offense, be fined not more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days, for a second offense, be fined not less than ~~one~~ five hundred dollars nor more than ~~two hundred~~ one thousand dollars or imprisoned for not more than thirty days and, for a third or subsequent offense, be fined not less than ~~five hundred~~ one thousand dollars nor more than ~~one~~ two thousand five hundred dollars or imprisoned for not more than six months or both. The magistrates court has concurrent jurisdiction to hear first and second offenses under this section. A first or second offense prosecution resulting in a conviction shall be reported by the magistrate or city recorder hearing the case to the communications and records division of the South Carolina Law Enforcement Division which shall keep a record of such conviction so that any law enforcement agency may inquire into whether or not a defendant has a prior record. Only those offenses which occurred within a period of ten years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this section.”

SECTION 2. Section 50‑9‑1120 of the 1976 Code is amended to read:

“Section 50‑9‑1120. There is established the following point system for violations of certain provisions of law:

(1) Common violations:

(a) resisting arrest by the use of force, violence, or weapons against an employee of the department while engaged in his duties, a law enforcement officer aiding in the work of the department, or a federally commissioned employee engaged in like or similar employment: 18;

(b) attempting escape after lawful arrest: 14;

(c) hunting or fishing in a state sanctuary at any time: 14;

(d) hunting, fishing, or trapping out of season, except in a state sanctuary: 10;

(e) selling game or game fish: 14;

(f) taking game or fish in an illegal manner not mentioned specifically elsewhere in this section. However, no points may be assessed pursuant to this subitem for fish taken on the seaward side of the saltwater‑freshwater dividing lines as provided in Section 50‑17‑30: 8;

(g) using a borrowed or altered hunting or fishing license: 10;

(h) taking more than the legal limit of game or fish: 8;

(i) hunting or fishing without a license in possession: 6;

(j) trespassing to hunt, fish, or trap: ~~10~~14;

(k) violating game management area regulations: 8;

(l) hunting, taking, possessing, or selling alligators in violation of law or department regulations: 14.

(2) Hunting violations:

(a) killing or attempting to kill or molest deer from a motorboat: 14;

(b) night hunting deer or bear: 18;

(c) illegally transporting furs or hides and possessing untagged hides: 10;

(d) trapping quail or wild turkeys: 10;

(e) hunting over bait: 8;

(f) killing or possessing antlerless deer, except as expressly provided by law: 14;

(g) illegally night hunting other game, except deer, or hunting game in prohibited hours: 8;

(h) possessing buckshot illegally: 5;

(i) possessing unplugged gun while hunting, violation of Section 50‑11‑10: 4;

1. killing or possessing a wild turkey during the closed season: 18;

2. killing or possessing a wild turkey hen during the spring gobbler season: 14;

(j) roost shooting wild turkeys between official sunset and official sunrise: 18;

(k) shooting wild turkeys over bait: 18;

(l) hunting wild turkeys over bait: 10;

(m) trespassing to hunt waterfowl: 18;

(n) hunting waterfowl over bait: 10;

(o) shooting waterfowl over bait: 10;

(p) hunting waterfowl out of posted season: 15;

(q) taking more than one waterfowl over the legal limit: 15;

(r) illegally possessing, taking, or attempting to take raccoons during the season for hunting without weapons: 14.

(3) Fishing violations:

(a) trapping, netting, or seining game fish illegally: 10;

(b) taking or possessing more than the legal limit of striped bass: 14;

(c) taking or possessing an undersized striped bass: 14.”

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

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