**A** **BILL**

TO AMEND SECTION 50‑11‑710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NIGHT HUNTING OF CERTAIN ANIMALS, SO AS TO DELETE THE PROVISIONS THAT REGULATE THE HUNTING OF FERAL HOGS, COYOTES, AND ARMADILLOS, TO DELETE THE PROVISIONS THAT DEFINE THE TERMS “NIGHT” AND “NOTICE TO THE DEPARTMENT”, AND TO DELETE THE PENALTY ASSOCIATED WITH THE VIOLATION OF THE PROVISIONS RELATING TO THE NIGHT HUNTING OF FERAL HOGS, COYOTES, AND ARMADILLOS; AND BY ADDING SECTION 50‑11‑715 SO AS TO PROVIDE FOR THE HUNTING OF FERAL HOGS, COYOTES, AND ARMADILLOS AT NIGHT, AND PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION.

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

SECTION 1. Section 50‑11‑710 of the 1976 Code, as last amended by Act 53 of 2015, is further amended to read:

“Section 50‑11‑710. (A) Night hunting in this State is unlawful except that:

~~(1)~~ Raccoons, opossums, foxes, mink, and skunk may be hunted at night; however, they may not be hunted with artificial lights except when treed or cornered with dogs, and may not be hunted with buckshot or any shot larger than a number four, or any rifle ammunition larger than a twenty‑two rimfire.

~~(2)~~ ~~Feral hogs may be hunted at night with or without the aid of bait, electronic calls, artificial light, or night vision devices:~~

~~(a)~~ ~~at any time of the year with a bow and arrow other than a crossbow, or pistol having iron sights, a barrel length not exceeding nine inches, and which is not equipped with a butt‑stock, scope, or laser site;~~

~~(b)~~ ~~at any time of the year under authority of and pursuant to the conditions contained in a depredation permit issued by the department pursuant to Section 50‑11‑2570; and~~

~~(c)~~ ~~from the last day of February to the first day of July of that same year with any legal firearm, bow and arrow, or crossbow when notice is given to the department pursuant to subsection (D). When hunting at night with a center fire rifle pursuant to this item:~~

~~(i)~~ ~~a hunter using supersonic center fire ammunition must hunt from an elevated position at least ten feet from the ground;~~

~~(ii)~~ ~~a hunter using subsonic center fire ammunition is not required to hunt from an elevated position provided that he is not carrying supersonic center fire ammunition for the same rifle.~~

~~(3)~~ ~~Coyotes and armadillos may be hunted at night with or without the aid of bait, electronic calls, artificial light, or night vision devices:~~

~~(a)~~ ~~at any time of the year with a bow and arrow other than a crossbow, a rimfire rifle, a shotgun with shot size no larger than a BB, or a pistol of any caliber having iron sights, a barrel length not exceeding nine inches, and which is not equipped with a butt‑stock, scope, or laser light;~~

~~(b)~~ ~~at any time of the year under authority of and pursuant to the conditions contained in a depredation permit issued by the department pursuant to Section 50‑11‑2570; and~~

~~(c)~~ ~~from the last day of February to the first day of July of that same year with any legal firearm, bow and arrow, or crossbow when notice is given to the department pursuant to subsection (D). When hunting at night with a center fire rifle pursuant to this item:~~

~~(i)~~ ~~a hunter using supersonic center fire ammunition must hunt from an elevated position at least ten feet from the ground;~~

~~(ii)~~ ~~a hunter using subsonic center fire ammunition is not required to hunt from an elevated position provided that he is not carrying supersonic center fire ammunition for the same rifle.~~

~~(B)~~ ~~The provisions contained in items (2)(c) and (3)(c) of subsection (A) do not apply to a person who has violated any provision contained in Article 4, Chapter 11, Title 50, except Section 50‑11‑708 and Section 50‑11‑750, during the previous five years.~~

~~(C)~~ ~~For the purposes of this section, "night" means that period of time between one hour after official sundown of a day and one hour before official sunrise of the following day.~~

~~(D)~~ ~~For the purposes of this section, "notice to the department" means that the landowner upon which the animals will be taken has either called the department at least forty‑eight hours prior to hunting or registered the property as otherwise prescribed by the department. The notice must include the name of each person participating in the hunt, the hunting license number of each person participating in the hunt, and the location of the hunt. Property must be registered only one time during each season, or annually for year‑round hunts.~~

~~(E)~~(B) Any person violating the provisions of this section, upon conviction, must be fined for the first offense not more than one thousand dollars, or be imprisoned for not more than one year, or both; for the second offense within two years from the date of conviction for the first offense, not more than two thousand dollars nor less than four hundred dollars, or be imprisoned for not more than one year nor for less than ninety days, or both; for a third or subsequent offense within two years of the date of conviction for the last previous offense, not more than three thousand dollars nor less than five hundred dollars, or be imprisoned for not more than one year nor for less than one hundred twenty days, or both. Any person convicted under this section after more than two years have elapsed since his last conviction must be sentenced as for a first offense.

~~(F)(1)~~ ~~A person who violates items (2) and (3) of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.~~

~~(2)~~(C) In addition to any other penalty, any person convicted for a second or subsequent offense under this section within three years of the date of conviction for a first offense shall have his privilege to hunt in this State suspended for a period of two years. No hunting license may be issued to an individual while his privilege is suspended, and any license mistakenly issued is invalid. The penalty for hunting in this State during the period of suspension, upon conviction, must be imprisonment for not more than one year nor less than ninety days.

~~(G)~~(D) The provisions of this section may not be construed to prevent any owner of property from protecting the property from destruction by wild game as provided by law.

~~(H)~~(E) It is unlawful for a person to use artificial lights at night, except vehicle headlights while traveling in a normal manner on a public road or highway, while in possession of or with immediate access to both ammunition of a type prohibited for use at night by the first paragraph of this section and a weapon capable of firing the ammunition. A violation of this paragraph is punishable as provided by Section 50‑11‑720.”

SECTION 2. Article 1, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑715. (A) Feral hogs, coyotes, and armadillos may be hunted at night:

(1) with or without the aid of bait, electronic calls, artificial light, or night vision devices; and

(2) with any legal firearm, bow and arrow, or crossbow when notice is given to the department and the property is registered pursuant to subsection (D).

(B) A person hunting under the provisions of this section must carry written permission on his person, or have immediate access to written permission in his vehicle to hunt on the property at night.

(1) The written permission must contain the hunter’s name, as well as the property owner’s name and contact information.

(2) For purposes of this section, vehicle includes any mode of transportation used by the hunter including a vehicle, all‑terrain vehicle, or other motorized device used for purposes of this section.

(3) The provisions of subsections (B)(1) and (2) do not apply to the owner of the registered property.

(C) For the purposes of this section, ‘night’ means that period of time between one hour after official sundown of a day and one hour before official sunrise of the following day.

(D) For the purposes of this section, ‘notice to the department’ means that the landowner has registered the property upon which the animals will be taken by calling the department at least forty‑eight hours prior to hunting to register the property, or has registered the property as otherwise prescribed by the department.

The notice to the department must include the name of each person participating in the hunt, the hunting license number of each person participating in the hunt, and the location of the hunt. A new hunter may be added to a registered property at any time provided notice is given to the department forty‑eight hours in advance. Property used for purposes of this section must be registered annually. Property registration is valid for twelve months from the date of registration.

(E) Persons who have been convicted of a violation of any provision of Article 4, Chapter 11, Title 50, except Sections 50‑11‑708 and 50‑11‑750 during the previous five years are not eligible to participate in night hunting of feral hogs, coyotes, or armadillos under the provisions of this section.

(F) It is unlawful to night hunt feral hogs, coyotes, or armadillos in violation of the provisions of this section.

(G) Any person violating the provisions of this section is guilty of a misdemeanor and must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(H) Any person taking or attempting to take deer, bear, or turkey at night on registered property, upon conviction, must:

(1) for a first offense, be fined not more than two thousand five hundred dollars or imprisoned for not more than one year;

(2) for a second offense within two years of the first conviction, be fined not less than five hundred dollars nor more than two thousand five hundred dollars or imprisoned as provided for a first offense; or

(3) for a third or subsequent offense within two years of a conviction for a second or subsequent offense, be fined not less than one thousand dollars nor more than three thousand dollars or imprisoned as provided for a first offense.

(I) In addition to any other penalty, any person convicted for a second or subsequent offense under this section within three years of the date of conviction for a first offense shall have his privilege to hunt in this State suspended for a period of two years. No hunting license may be issued to an individual while his privilege is suspended, and any license mistakenly issued is invalid. The penalty for hunting in this State during the period of suspension, upon conviction, must be imprisonment for not more than one year nor less than ninety days.

(J) Notwithstanding any other penalties for a violation of this section, all equipment including guns, scopes, ammunition, vehicles, lights, and other equipment used in the commission of the violation may be seized by the department for evidence, and may be forfeited to the department by the court upon conviction.”

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

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