**South Carolina General Assembly**

119th Session, 2011-2012

**A114, R121, H3865**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Ballentine, D.C. Moss, Mitchell, J.H. Neal, Hodges, G.M. Smith, Pinson, Herbkersman, Hiott, R.L. Brown, Whipper, Forrester, Toole, Hayes, Butler Garrick, Chumley, J.E. Smith, Atwater, Huggins, Clemmons, Pitts, Edge, Dillard, Ryan, Vick, J.R. Smith, Knight, Long, Crosby, Hixon, Murphy, Stringer, Owens, Bikas, Viers, Ott and Weeks

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Introduced in the House on March 8, 2011

Introduced in the Senate on April 28, 2011

Last Amended on June 1, 2011

Passed by the General Assembly on January 18, 2012

Governor's Action: February 1, 2012, Signed

Summary: Unlawful freshwater actions

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/8/2011 House Introduced and read first time ([House Journal‑page 55](file:///h%3A%5Chj%20archive%5C2011%5C03-08-11.docx))

 3/8/2011 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 55](file:///h%3A%5Chj%20archive%5C2011%5C03-08-11.docx))

 3/10/2011 House Member(s) request name added as sponsor: Quinn

 3/15/2011 House Member(s) request name added as sponsor: Barfield, Hearn

 3/30/2011 House Member(s) request name added as sponsor: Tallon

 4/6/2011 House Member(s) request name added as sponsor: Ballentine, D.C.Moss, Mitchell, J.H.Neal, Hodges, G.M.Smith, Pinson, Herbkersman, Hiott, R.L.Brown, Whipper

 4/7/2011 House Member(s) request name added as sponsor: Forrester, Toole

 4/12/2011 House Member(s) request name added as sponsor: Hayes, Butler Garrick

 4/13/2011 House Member(s) request name added as sponsor: Chumley, J.E.Smith, Atwater, Huggins, Clemmons, Pitts, Edge, Dillard, Ryan, Vick, J.R.Smith, Knight, Long, Crosby, Hixon, Murphy, Stringer, Owens, Bikas, Viers, Ott

 4/13/2011 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 3](file:///h%3A%5Chj%20archive%5C2011%5C04-13-11.docx))

 4/14/2011 House Member(s) request name added as sponsor: Weeks

 4/26/2011 House Read second time ([House Journal‑page 55](file:///h%3A%5Chj%20archive%5C2011%5C04-26-11.docx))

 4/26/2011 House Roll call Yeas‑104 Nays‑0 ([House Journal‑page 55](file:///h%3A%5Chj%20archive%5C2011%5C04-26-11.docx))

 4/27/2011 House Read third time and sent to Senate ([House Journal‑page 7](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/28/2011 Senate Introduced and read first time ([Senate Journal‑page 10](file:///h%3A%5Csj%20archive%5C2011%5C04-28-11.docx))

 4/28/2011 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 10](file:///h%3A%5Csj%20archive%5C2011%5C04-28-11.docx))

 5/19/2011 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** ([Senate Journal‑page 14](file:///h%3A%5Csj%20archive%5C2011%5C05-19-11.docx))

 6/1/2011 Senate Committee Amendment Adopted

 6/1/2011 Senate Read second time

 6/1/2011 Senate Roll call Ayes‑34 Nays‑2

 1/12/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 12](file:///h%3A%5Csj%20archive%5C2012%5C01-12-12.docx))

 1/18/2012 House Roll call Yeas‑100 Nays‑0 ([House Journal‑page 22](file:///h%3A%5Chj%20archive%5C2012%5C01-18-12.docx))

 1/18/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 22](file:///h%3A%5Chj%20archive%5C2012%5C01-18-12.docx))

 1/26/2012 Ratified R 121

 2/1/2012 Signed By Governor

 2/8/2012 Effective date 07/01/12

 2/10/2012 Act No. 114

**VERSIONS OF THIS BILL**

[3/8/2011](file:///p%3A%5Cpprever%5C2011-12%5C3865_20110308.docx)

[4/13/2011](file:///p%3A%5Cpprever%5C2011-12%5C3865_20110413.docx)

[5/19/2011](file:///p%3A%5Cpprever%5C2011-12%5C3865_20110519.docx)

[6/1/2011](file:///p%3A%5Cpprever%5C2011-12%5C3865_20110601.docx)

(A114, R121, H3865)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑1‑160 SO AS TO PERMIT THE DEPARTMENT TO RELEASE A SEIZED VEHICLE, BOAT, MOTOR, OR FISHING DEVICE UNDER CERTAIN CONDITIONS; TO AMEND ARTICLE 3, CHAPTER 13, TITLE 50, RELATING TO USE OF SEINES, TRAPS, AND LIKE DEVICES, SO AS TO REVISE AND FURTHER PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEVICES MAY BE USED AND TO PROVIDE PENALTIES FOR VIOLATIONS; BY ADDING ARTICLE 5 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN UNLAWFUL FRESHWATER ACTIONS AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 6, CHAPTER 13, TITLE 50, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO FURTHER PROVIDE FOR THE USE OF NONGAME FISHING DEVICES AND THE TAKING OF NONGAME FISH IN THE FRESHWATERS OF THIS STATE, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS AND FOR SPECIFIED EXCEPTIONS TO THESE PROVISIONS; TO AMEND ARTICLE 11, CHAPTER 13, TITLE 50, RELATING TO THE SALE AND TRAFFICKING IN FISH, SO AS TO REVISE CERTAIN PROVISIONS IN THE ARTICLE PERTAINING TO PROHIBITED PRACTICES IN REGARD TO THE SALE OR TRAFFICKING IN FISH AND ADD OTHER PROVISIONS WITH PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES AND PROPAGATION, SO AS TO REVISE AND FURTHER PROVIDE FOR ACTIONS THE DEPARTMENT MAY TAKE IN REGARD TO FISH HATCHERIES, SANCTUARIES, AND THE PROPAGATION OF FISH AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 50, RELATING TO THE HORRY COUNTY FISH AND GAME COMMISSION, SO AS TO DELETE THE PROVISIONS OF THE ARTICLE AND INSTEAD PROVIDE FOR THE PERMITTED USE OF NONGAME DEVICES ON THE LITTLE PEE DEE RIVER FOR A PERIOD OF THREE YEARS; AND TO REPEAL SECTIONS 50‑13‑1450 RELATING TO PRIMA FACIE EVIDENCE OF USING EXPLOSIVES TO TAKE FISH, 50‑13‑385 RELATING TO MINIMUM SIZE FOR LARGE MOUTH BASS IN LAKE WYLIE, 50‑13‑390 RELATING TO DAILY LIMIT ON ARKANSAS BLUE CATFISH, AND 50‑13‑400 RELATING TO LAKE MURRAY CRAPPIE CREEL AND SIZE LIMITS.**

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

**Release of seized property**

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

 “Section 50‑1‑160. (A) Notwithstanding another provision of law, the department may release a vehicle, boat, motor, or fishing device seized from a person charged with a violation of this chapter to an innocent owner or lien holder of the property.

 (B) Notwithstanding another provision of law, if an innocent owner or lienholder fails to recover property within thirty days from the date of the notice of release then the department may maintain or dispose of the property.

 (C) Before seized property is released to an innocent owner or lienholder, he shall provide the department with proof of ownership or a lienholder interest in the property.”

**Use of and seasons for certain devices**

SECTION 2. Article 3, Chapter 13, Title 50 of the 1976 Code is amended to read:

“Article 3

Use of Nets, Seines, Traps, and Like Devices

 Section 50‑13‑310. A game fish taken by net or other nongame fishing device, must be returned immediately to the water from whence it came. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars or imprisoned for not more than thirty days. Any equipment used in committing the offense must be seized and disposed of as provided by law.

 Section 50‑13‑315. (A) A trap must not be:

 (1) placed within six hundred feet of a public boat launching area;

 (2) set so as to leave any part of the trap exposed at low water;

 (3) unattended for more than three days.

 (B) The department may inspect traps for compliance with this section at anytime. If the department finds any trap in violation of this chapter or contains only dead catch or excessive dead catch, the trap is contraband and must be seized and disposed of according to law.

 Section 50‑13‑320. (A) A trap or eel pot may be suspended above the bottom of the body of water in which they are used at a depth that does not create a hazard to watercraft.

 (B) There is no restriction on the type of bait permissible in a trap or eel pot, except that game fish or any part of a game fish must not be used for bait.

 (C) There is no closed season for fishing with a trap or eel pot in the freshwaters of this State in which the use of a trap or eel pot is permitted except temporary closure by the department.

 (D) A trap or eel pot must not be placed within one hundred feet of the mouth of a tributary stream and a trap or eel pot must not be placed anywhere in the Diversion Canal connecting Lakes Marion and Moultrie nor placed within two hundred yards of a manmade structure in Lakes Marion and Moultrie.

 (E) A crab pot or trap of like design must not be used in the freshwaters of this State unless permitted by regulation.

 (F) All crayfish traps must be identified with the name and department customer identification number of the user. These traps only may be used in those bodies of water permitted under this chapter. A commercial fisherman may fish up to fifty crayfish traps. A recreational fisherman may fish up to five crayfish traps.

 (G) All minnow traps must be identified with the name and department customer identification number of the user. A minnow trap may be fished with a recreational license only with a limit of five for each person and must not be fished for commercial purposes.

 Section 50‑13‑325. (A) The season for taking nongame fish other than American shad and herring in the freshwaters of this State with a gill net is from November first to March first inclusive. A gill net may be used or possessed in the freshwaters in which their use is authorized on Wednesdays, Thursdays, Fridays, and Saturdays only. A gill net used in the freshwaters must have a mesh size not less than four and one‑half inches stretch mesh. A gill net measuring more than one hundred yards in length must not be used in the freshwaters and a gill net, cable, line or other device used for support of a gill net may not extend more than halfway across any stream or body of water. A gill net may be placed in the freshwaters on a first come first served basis but a gill net must not be placed within two hundred yards of another gill net. Use or possession of a gill net at any place or time other than those prescribed in this subsection is unlawful.

 (B) Nongame fish taken in shad nets lawfully fished during the open season for taking shad may be kept. A sturgeon caught must be returned immediately to the waters from where it was taken.

 Section 50‑13‑330. A hoop net may be used or possessed in the freshwaters where its use is authorized by this chapter. A hoop net must rest on the bottom of the body of water in which it is used and must not be suspended above the bottom. A hoop net must not be used within one hundred feet of the mouth of any tributary. Use or possession of a hoop net at any place or time other than those prescribed is unlawful.

 Section 50‑13‑335. A pump net may be fished from the bank or a shore based structure only and only for recreation. A skimbow net may be fished from a boat but only for recreation. These devices may be used only in those waters where authorized in this chapter.

 Section 50‑13‑340. It is unlawful to use or have in possession a minnow seine in the freshwaters of this State from ten o’clock p.m. to official sunrise.”

**Unlawful freshwater actions**

SECTION 3. Chapter 13, Title 50 of the 1976 Code is amended by adding:

“Article 5

Unlawful Freshwater Actions

 Section 50‑13‑510. It is unlawful to take freshwater mussels (Bivalvia) without a permit from the department. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred nor more than five hundred dollars. Provided, Asian clams (Corbicula spp.) may be taken without permit.

Section 50‑13‑520. Except as allowed by the department, it is unlawful to take saltwater crabs in the freshwaters of this State.”

**Freshwater nongame fishing devices, taking of nongame fish**

SECTION 4. Article 6, Chapter 13, Title 50 of the 1976 Code is amended to read:

“Article 6

Protection of Nongame Fish

 Section 50‑13‑610. The provisions of this article apply to the use of nongame fishing devices and the taking of nongame fish in the freshwaters of this State except herring and American shad.

Section 50‑13‑615. The following are the only lawful nongame fishing devices and methods that may be used for taking nongame fish in the freshwaters of this State and only in those waters in which these devices and methods are authorized:

 (1) archery equipment;

 (2) cast net;

 (3) crayfish trap;

 (4) eel pot;

 (5) elver fyke net;

 (6) gig;

 (7) gill net;

 (8) hand grabbing;

 (9) hoop net;

 (10) jug fishing device;

 (11) minnow seine;

 (12) minnow trap;

 (13) pump net;

 (14) seine;

 (15) set hook;

 (16**)** skimbow net;

 (17) spear;

 (18) trap;

 (19) trotline.

Section 50‑13‑620. (A) A trotline, trap, eel pot, gill net, and hoop net must be marked with a floating marker not less than a capacity of one quart and not more than a capacity of one gallon and must be made of solid, buoyant material that does not sink if punctured or cracked. A floating marker must be constructed of plastic, PVC spongex, plastic foam, or cork. A hollow buoy or float, including plastic, metal, or glass bottles or jugs, must not be used, except that a manufactured buoy or float specifically designed for use with nongame fishing devices may be hollow if constructed of heavy duty plastic material and approved by the department. A floating marker used the first through the fifteenth inclusive of each month must be colored white only; for the remainder of the month markers must be yellow only and, except for a trotline, there must not be any other color marker attached to the device. The owner’s name and department customer identification number must be legible on each of the white or yellow floating markers. Both commercial and recreational fishermen shall comply with provisions of this title pertaining to the marking and use of a nongame fishing device. A trotline must be marked on both ends. A commercial trotline must be marked at intervals of every fifty hooks. A recreational trotline must be marked at intervals of every twenty‑five hooks. An end marker must conform to the white and yellow marking scheme. Each interval float must be ‘International Orange’ in color.

 (B) A tag issued for a nongame device must be attached to the device at all times. A permit and tag receipt must be kept on the person to whom issued while possessing or using a nongame fishing device.

 (C) Each set hook must have an identification tag attached to it bearing the owner’s name and department customer identification number.

 (D) A device or part of it improperly marked, tagged, or identified is in violation and is contraband.

 (E) A violation of this section is a misdemeanor and, upon conviction, is punishable as prescribed in this chapter.

Section 50‑13‑625. Nongame fish may be taken with any lawful game fishing device. A fisherman may use only four game fishing devices. A fisherman fishing from a boat may use an unlimited number of game fishing devices if all persons in the boat older than sixteen years have valid fishing licenses.

Section 50‑13‑630. A fishing device authorized by this article must not be used, placed, set, or fished so as to constitute a hazard to boating or public safety.

Section 50‑13‑635. A recreational fisherman may use the following fishing devices and methods for taking nongame fish but only in those waters in which the type and quantity are allowed:

 (1) archery equipment;

 (2) cast net;

 (3) not more than five crayfish traps;

 (4) not more than two eel pots;

 (5) gig;

 (6) one gill net not more than one hundred yards in length or not more than three gill nets, none of which exceeds thirty yards in length;

 (7) hand grabbing;

 (8) not more than one hoop net;

 (9) not more than fifty jugs;

 (10) minnow seine;

 (11) not more than five minnow traps;

 (12) not more than one pump net;

 (13) not more than one seine;

 (14) three to fifty set hooks;

 (15) not more than one skimbow net;

 (16) spear;

 (17) not more than two traps;

 (18) not more than one trotline with fifty hooks maximum;

 (19) any lawful game fishing device.

Section 50‑13‑640. (A) It is unlawful to possess more than one blue catfish (Ictalurus furcatus) greater than thirty‑six inches in length in any one day in Lake Marion, Lake Moultrie, or the upper reach of the Santee, and the Congaree and Wateree Rivers.

 (B) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than three hundred dollars or imprisoned not more than thirty days, or both.

 Section 50‑13‑645. It is unlawful for a recreational fisherman to take more than fifty eels a day. Each eel must be at least six inches long.

Section 50‑13‑650. (A) No more than four hundred hooks may be attached to a single commercially fished trotline. A trotline must not be attached to another trotline or to the support or float of another trotline. A trotline must not be longer than two thousand feet.

 (B) April first to October first a trotline is not permitted in waters in this State one hour after official sunrise to one hour before official sunset unless the trotline is sunk to the bottom or to a minimum depth of four feet below the water surface. October second to March thirty‑first trotlines may be left in the water twenty‑four hours a day at any depth.

 (C) A trotline must not be placed within one hundred feet of the mouth of a tributary stream.

 (D) A trotline, cable, line, or any other device used for support may not extend more than halfway across a stream or body of water.

 (E) A trotline or any part of it may not remain in the waters of this State more than twenty‑four hours without inspection and removal of the fish taken on it.

 (F) A trotline must not be placed within two hundred yards of a manmade structure on Lakes Marion and Moultrie nor placed in the Diversion Canal connecting Lakes Marion and Moultrie.

 (G) Trotline hooks used in Lakes Marion and Moultrie and the upper reach of the Santee River must have a gap or clearance between point and shank no greater than seven‑sixteenths inch.

 (H) Stainless steel hooks must not be used on a trotline.

Section 50‑13‑655. All set hooks must be removed from the water and from the vegetation or structure to which they are attached not later than one hour after sunrise each day and must not be placed in the water earlier than one hour before official sunset.

Section 50‑13‑660. All jugs used in fishing in freshwaters must be sizes that are between a minimum capacity of one pint and a maximum capacity of one gallon with the licensee’s name and department customer identification number clearly marked on each jug. All jugs must be removed from the water not later than one hour after sunrise each day and must not be placed in the water earlier than one hour before official sunset.

 The attachment of more than one hook and line to a jug fishing device is prohibited.

Section 50‑13‑665. (A) Except as provided in subsections (B) and (C), and the bait listed below, no other bait may be used with trotlines, set hooks, and jugs:

 (1) soap;

 (2) dough balls;

 (3) nongame fish or bream cut into two or more equal parts;

 (4) shrimp;

 (5) meat scraps which may not include insects, worms, or other invertebrates;

 (6) grapes.

 (B) Notwithstanding another provision of law, on the Black, Edisto, Great Pee Dee (including the navigable oxbows and sloughs), Little Pee Dee (including the navigable oxbows and sloughs), Lumber, Lynches (including Clarks, Mill, and Muddy Creeks), Sampit, and Waccamaw Rivers, live nongame fish and live bream may be used with single‑barbed set hooks that have a shank‑to‑point gap of one and three‑sixteenths inches or greater. However, it is unlawful for a person to have in possession more than the lawful creel limit of bream while fishing with nongame devices on these rivers.

 (C) Live nongame fish and live bream may be used on a trotline having not more than twenty hooks that have a shank‑to‑point gap of one and three‑sixteenths inches or greater on the Black, Great Pee Dee (including the navigable oxbows and sloughs), Little Pee Dee (including the navigable oxbows and sloughs), Lumber, Lynches (including Clarks, Mill, and Muddy Creeks) and Waccamaw Rivers. However, it is unlawful for a person to have in possession more than the lawful creel limit of bream while fishing with nongame devices on these rivers.

 (D) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

Section 50‑13‑670. It is unlawful for a person to have in possession game fish, except live bream on those water bodies where permitted as live bait, or game fish devices while possessing or using nongame devices. The provisions of this section do not apply to a person using a cast net.

Section 50‑13‑675. Archery equipment, cast nets, crayfish traps, gigs, hand grabbing, minnow seines, minnow traps, and spears, may be used in freshwaters, except in lakes owned or managed by the department, to take nongame fish. Where permitted, a recreational fisherman may fish one gill net not more than one hundred yards in length or not more than three gill nets, none of which exceeds thirty yards in length; a commercial fisherman may fish four or more gill nets. Notwithstanding other provisions of this chapter, it is unlawful to use or possess any nongame fishing device or gear or the number not authorized by this section on the particular body of water. Nongame fishing devices, except as provided in this section, must not be used in freshwater including tributaries of rivers or creeks unless listed and regulated in this section:

 (1) Ashepoo River:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy-five;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (2) Ashley River:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy-five;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (3) Black Creek; (Darlington, Florence, and Chesterfield Counties) including Lakes Robinson and Prestwood:

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (4) Black River:

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps ‑ only from Pea House landing downstream:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ ten;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (5) Broad River:

 (a) seines upstream from S.C. State Highway 34 Bridge to the North Carolina/South Carolina State line only:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (6) Bush River, Laurens County:

 (a) seines:

 (i) recreational license only ‑ one;

 (7) Catawba River from the Lake Wylie Dam to the Cedar Creek Dam including the in‑stream reservoirs:

 (a) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (8) Combahee River:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy-five;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (9) Congaree River:

 (a) hoop nets:

 (i) commercial license‑ ten;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ ten;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (10) Cooper River (Berkley and Charleston Counties):

 (a) eel pots: not allowed upstream from Wadboo Creek:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (b) elver fyke nets: allowed on all tributaries and on the main branch from the saltwater/freshwater dividing line upstream to the CSX railroad trestle on the Tail Race Canal:

 (i) commercial license only ‑ ten nets;

 (c) pump nets:

 (i) recreational license only ‑ one;

 (d) set hooks: not allowed upstream from Wadboo Creek:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (e) skimbow nets:

 (i) recreational license only ‑ one;

 (f) traps: not allowed upstream from Wadboo Creek:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ twenty-five;

 (g) trotlines: not allowed upstream from Wadboo Creek:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (11) Coosawhatchie River:

 (a) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (12) Durbin Creek: (Greenville and Laurens Counties):

 (a) seines:

 (i) recreational license only ‑ one;

 (13) Edisto River, including the North and South Forks:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy-five;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (14) Enoree River:

 (a) seines: from the Norfolk‑Southern Railroad in Greenville County downstream to the confluence with the Broad River:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (15) Four Holes Lakes system in Dorchester County which includes Bridge Lake, John’s Hole Lake, Little Pond Lake, Mallard’s Lake, Mims Lake, Mouth of Four Holes Lake, Rock’s Lake, Shuler Lake, Steed’s Lake and Woods Lake:

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (16) Great Pee Dee River: the waters from U.S. Interstate Highway 95 to the saltwater/freshwater dividing line including the navigable oxbows and sloughs and Bull Creek:

 (a) eel pots: downstream from U.S. Highway 701 to the saltwater/freshwater dividing line:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy-five;

 (b) gill nets: nongame nets in season;

 (c) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (d) skimbow nets:

 (i) recreational license ‑ one;

 (e) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ fifty;

 (f) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (17) Great Pee Dee River, the waters from U.S. Interstate Highway 95 to the North Carolina/South Carolina State Line including the navigable oxbows and sloughs:

 (a) gill nets: nongame nets allowed in season;

 (b) hoop nets: upstream from S.C. State Highway 34 to the North Carolina/ South Carolina state line:

 (i) commercial license only ‑ fifty;

 (c) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (d) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ fifty;

 (e) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (18) Jefferies Creek (Florence County):

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (19) Lake Greenwood:

 (a) jugs:

 (i) recreational license only ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (20) Lake Hartwell:

 (a) jugs:

 (i) recreational license only ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (21) Lake J. Strom Thurmond and Stevens Creek Reservoir:

 (a) jugs:

 (i) recreational license only ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (22) Lake Keowee:

 (a) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (b) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (23) Lakes Marion and Moultrie, and the upper reach of the Santee River:

 (a) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ twenty-five;

 (b) trotlines: Hooks must have a gap or clearance between point and shank no greater than seven-sixteenths inch:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with not more than four hundred hooks on each line;

 (24) Lake Murray:

 (a) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (b) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (25) Lake Richard B. Russell:

 (a) jugs:

 (i) recreational license only ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (26) Lake Secession:

 (a) jugs:

 (i) recreational license only ‑ fifty;

 (b) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (27) Lake Wateree:

 (a) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (b) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (28) Lake Wylie:

 (a) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ five;

 (b) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (29) Little Pee Dee River including Russ’s Creek and other navigable oxbows and sloughs:

 (a) gill nets: nongame nets allowed in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (30) Little River: from Mars Bridge in McCormick County up to the confluence of Barkers Creek (Long Branch) and Corner Creek in Anderson County:

 (a) seines:

 (i) recreational license only ‑ one;

 (31) Log Creek (Edgefield County):

 (a) seines:

 (i) recreational license only ‑ one;

 (32) Long Cane Creek, (McCormick County) from above Patterson Bridge on S.C. State Highway S‑33‑117 upstream to S.C. State Highway S‑1‑75 in Abbeville County:

 (a) seines:

 (i) recreational license only ‑ one;

 (33) Louther’s Lake (Darlington County):

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (34) Lumber River:

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (35) Lynches River (includes Clarks Creek, Mill Creek and Muddy Creek):

 (a) gill nets: nongame nets allowed in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (36) Mulberry Creek (Greenwood County):

 (a) seines:

 (i) recreational license only ‑ one;

 (37) New River:

 (a) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (38) Pacolet River:

 (a) seines:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (39) Rabon Creek (Laurens County):

 (a) seines:

 (i) recreational license only ‑ one;

 (40) Reedy River:

 (a) seines: from the Norfolk‑Southern Railroad in Greenville County downstream to the backwaters of Lake Greenwood:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (41) Rocky River (Anderson County):

 (a) seines:

 (i) recreational license only ‑ one;

 (42) Salkehatchie River:

 (a) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (43) Saluda River ‑ from S.C. State Highway 183 in Greenville County to the backwaters of Lake Greenwood and on the Middle Reach of the Saluda River:

 (a) seines:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (44) Saluda River ‑ Lower reach:

 (a) traps:

 (i) recreational license only ‑ two;

 (b) trotlines:

 (i) recreational license only ‑ one line with fifty hooks maximum;

 (45) Sampit River:

 (a) gill nets: nongame nets in season;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) skimbow nets:

 (i) recreational license only ‑ one;

 (d) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ twenty-five;

 (46) Santee River, from USGS gauging station 1715 about 2.4 miles below Santee Dam downstream to the saltwater/freshwater dividing line including the North and South Santee Rivers:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy-five;

 (b) skimbow nets:

 (i) recreational license only ‑ one;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ fifty;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (47) Savannah River ‑ Lower Reach to the saltwater/freshwater dividing line:

 (a) eel pots:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy-five;

 (b) gill nets: nongame nets in season;

 (c) hoop nets:

 (i) commercial license only ‑ ten;

 (d) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (e) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ forty;

 (f) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (48) Stevens Creek from S.C. State Highway S‑19‑53 upstream to the confluence of Hard Labor and Cuffytown Creeks:

 (a) seines:

 (i) recreational license only ‑ one;

 (49) Thicketty Creek, (Cherokee County):

 (a) seines:

 (i) recreational license only ‑ one;

 (50) Tulifinny River:

 (a) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (51) Turkey Creek (Edgefield and Greenwood Counties):

 (a) seines:

 (i) recreational license only ‑ one;

 (52) Tyger River:

 (a) seines:

 (i) recreational license only ‑ one;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ two;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (53) Waccamaw River:

 (a) eel pots: downstream of the junction of Bull Creek to the saltwater/freshwater dividing line:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ seventy-five;

 (b) gill nets: nongame nets in season;

 (c) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑ fifty;

 (d) skimbow nets:

 (i) recreational license only ‑ one;

 (e) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ five lines with two hundred fifty hooks maximum;

 (54) Warrior Creek (Laurens County):

 (a) seines:

 (i) recreational license only ‑ one;

 (55) Wateree River:

 (a) hoop nets:

 (i) commercial license only ‑ ten;

 (b) set hooks:

 (i) recreational license ‑ fifty;

 (ii) commercial license ‑fifty;

 (c) traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ forty;

 (d) trotlines:

 (i) recreational license ‑ one line with fifty hooks maximum;

 (ii) commercial license ‑ three lines with one hundred fifty hooks maximum;

 (56) Wilson Creek (Greenwood County): from the confluence of Wilson Creek and Ninety ‑ Six Creek upstream to U.S. Highway 25/U.S. Highway 178 in Greenwood County:

 (a) seines:

 (i) recreational license only ‑ one.

 Section 50‑13‑680. An enforcement officer or department employee acting in their official capacity may inspect, at any reasonable hour, the vehicle, boat, processing house, and wholesale business which is connected with nongame commercial fishing activities and the records of a person required to be licensed by this title to ensure compliance. Upon request of the department, the buyers (fish houses) of nongame fish shall report quarterly the volume of sales and other information as required by the department. An enforcement officer or department employee acting in their official capacity may check any game or nongame fishing device and, if unlawful, may seize the device as contraband and dispose of it and any catch provided by law.

 Section 50‑13‑685. Except as otherwise provided, a person violating this article is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to that penalty, the court may order the department to suspend the fishing license and any tags or permits for up to one year.

 Section 50‑13‑690. (A) In addition to any specific penalty provided in this article, any fish or fishing device taken or found to be in possession of a person charged with a violation of this article must be seized. The fish must be sold in the same manner as provided by law for the sale of perishable items. If the person charged is convicted, the money received from the sale must be forwarded to the department and placed to the account of the ‘Fish and Wildlife Protection Fund’ of the State Treasury. After conviction, the fishing devices must be sold at public auction. The sale of the fish and fishing devices must be conducted using the procedures as provided by law. If the person is acquitted, the devices must be returned to him along with any money that may have come from the sale of the fish.

 (B) In addition to the specific penalties provided in this article and the penalties provided in subsection (A), the boat, motor, and fishing gear of a person who is charged with unlawfully using or having in possession a gill net or hoop net on any freshwater lake or reservoir of this State must be confiscated and sold at auction within this State after conviction using the procedure as provided by law. The money received from the sale must be forwarded to the department and placed in the account of the ‘Fish and Wildlife Protection Fund’ of the State Treasury. If the person is acquitted, the boat, motor, and fishing gear must be returned to him. Upon conviction, the department shall suspend the person’s license or privilege to fish in this State for a period of one year from the date of conviction.

 (C) In addition to the specific penalties provided in this article, upon the conviction of a commercial freshwater fisherman of illegal possession of game fish or the sale or trafficking in game fish, the department shall suspend the person’s license or privilege to fish in this State for a period of one year from the date of conviction.

 Section 50‑13‑695. (A) Except for department personnel in their official capacity, it is unlawful for a person to fish, inspect, or use in any manner nongame fishing devices owned and tagged by another person or to remove any fish from a device unless under the immediate supervision of the owner. A person found guilty of a violation of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for up to thirty days, or both.

 (B) A person who steals any nongame fishing device or any fish in a device or who tampers with or damages a nongame fishing device or makes it ineffective for the purpose of taking fish is guilty of a misdemeanor and, upon conviction:

 (1) for tampering with or damaging or making ineffective a device, must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days; and

 (2) for stealing a device or fish caught in the device, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than six months, or both.”

**Sale and trafficking in fish**

SECTION 5. Article 11, Chapter 13, Title 50 of the 1976 Code is amended to read:

“Article 11

Sale and Trafficking in Fish

 Section 50‑13‑1610. It is unlawful to sell, offer for sale, barter, trafficking in, or purchase any fish classified as a game fish under the provisions of this title except as allowed by this title regardless of where caught. A person violating this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

 (1) for a first offense, by a fine of not more than five hundred dollars or imprisonment for not more than thirty days;

 (2) for a second offense within three years of a first offense, by a fine of not less than three hundred dollars nor more than five hundred dollars or imprisonment for not more than thirty days;

 (3) for a third or subsequent offense within three years of a second or subsequent offense, by a fine of not more than one thousand dollars or imprisonment for not more than thirty days;

 (4) for a fourth and subsequent offense within five years of the date of conviction for the first offense must be punished as provided for a third offense.

 Section 50‑13‑1615. A person selling, offering for sale, or possessing for sale freshwater nongame fish must have in possession dated invoices, bills of sale, or other documentation verifying the origin of the fish and from whom procured.

 Section 50‑13‑1630. (A) A person may not possess, sell, offer for sale, import, bring, or cause to be brought or imported into this State or release anywhere in this State the following species at any stage of its life cycle:

 (1) carnero or candiru catfish (Vandellia cirrhosa);

 (2) freshwater electric eel (Electrophorus electricus);

 (3) white amur or grass carp (Ctenopharyngodon idella);

 (4) walking catfish or a member of the clariidae family (Clarias, Heteropneustea, Gymnallabes, Channallabes, or Heterobranchus genera);

 (5) piranha (all members of Serrasalmus, Rooseveltiella, and Pygocentrus genera);

 (6) stickleback;

 (7) Mexican banded tetra;

 (8) sea lamprey;

 (9) rudd (Scardinius erythrophtalmu‑Linneaus);

 (10) snakehead (all members of family Channidae);

 (11) rusty crayfish (Orconectes rusticus); and

 (12) other nonindigenous species not established, except by permit, exclusive of the recognized pet trade species.

 (B) The department may issue special import permits to qualified persons for research and education only.

 (C)(1) The department may issue permits for stocking sterile white amur or grass carp hybrids in the waters of this State. The permits must certify that the permittee’s white amur or grass carp hybrids have been tested and determined to be sterile. The department may charge a fee of one dollar for each white amur or grass carp hybrid that measures five inches or longer or twenty‑five cents for each white amur or grass carp hybrid that measures less than five inches. The fee collected for sterility testing must be retained by the department and used to offset the costs of the testing.

 (2) The department is authorized to promulgate regulations to establish a fee schedule to replace the fee schedule contained in item (1) of this subsection. Upon these regulations taking effect, the fee schedule contained in item (1) of this subsection no longer applies.

 (D) The department may issue permits for the importation, breeding, and possession of nonsterile white amur or grass carp hybrids. The permits must be issued pursuant to the provisions of the Aquaculture Enabling Act in Article 2, Chapter 18 of this title. Provided, however, that no white amur or grass carp hybrids imported, bred, or possessed pursuant to this subsection may be stocked in the waters of this State except as provided in subsection (C) of this section.

 (E) It is unlawful to take, harm, or kill grass carp from public waters. Any grass carp taken must be returned immediately to the water from which it was taken.

 (F) The department shall prescribe the qualifications, methods, controls, and restrictions required of a person or his agent to whom a permit is issued. The department shall condition all permits issued under this section to safeguard public safety and welfare and prevent the introduction into the wild or release of nonnative species of fish or other organisms into the waters of this State. The department may promulgate regulations necessary to effectuate this section and specifically to prohibit additional species of fish from being imported, possessed, or sold in this State when the department determines the species of fish are potentially dangerous. A violation of the terms of the permit may result in revocation and a civil penalty of up to five thousand dollars. An appeal is pursuant to the provisions of Article 2, Chapter 23, Title 1 (the Administrative Procedures Act).

 (G) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred nor more than two thousand five hundred dollars or imprisoned for thirty days, or both.

 Section 50‑13‑1635. (A) Except bait lost incidental to fishing or fish released into the waters from which they were taken, it is unlawful to intentionally release any aquatic species, regardless of the stage of its life cycle, into the waters of this State without a permit from the department.

 (B) It is unlawful to use any nonindigenous fish as bait that is not already established in the water body being fished except the following minnows: fathead minnows (Pimephales promelas), golden shiners (Notemigonus crysoleucas), and goldfish, including ‘black salties’ (Carassius auratus). Magistrates court retains concurrent jurisdiction of this offense.

 (C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or up to thirty days in jail, or both. In addition to the criminal penalties, the court may order a civil penalty sufficient to cover costs for eradication.”

**Fish hatcheries and sanctuaries**

SECTION 6. Article 13, Chapter 13, Title 50 of the 1976 Code is amended to read:

“Article 13

Fish Hatcheries and Sanctuaries; Propagation

 Section 50‑13‑1910. This State hereby assents to the provisions of the act of Congress entitled ‘An Act to Provide that the United States Shall Aid the States in Fish Restoration and Management Projects, and for Other Purposes,’ approved August 9, 1950 (Public Law No. 681, 81st Congress), and the department shall perform acts as necessary to the conduct and establishment of cooperative fish restoration projects, as defined in this act of Congress, in compliance with the act and rules and regulations promulgated by the Secretary of the Interior. The amounts necessary for this State to provide, in order to receive the benefits of the act, must be paid from the fees collected by the department from the sale of resident fishing licenses and a separate fund for this purpose must be set up.

 Section 50‑13‑1920. The department may acquire a sufficient number of acres of land in close proximity to any dam, artificial lake, impounded water, or stream for the purpose of establishing fish hatcheries or fish nurseries. The board may exercise the power of eminent domain if necessary to accomplish this purpose.

 Section 50‑13‑1935. The department shall charge a fee for stocking fish in private water bodies and nonnavigable waters sufficient to cover all costs of producing and stocking the fish.

 Section 50‑13‑1936. If the federal government ceases to operate the Walhalla Fish Hatchery, the department may accept and maintain operations of the facility by charging a fee that is sufficient to cover the cost of operating the facility.

 Section 50‑13‑1940. (A) The department may grant permits to collect freshwater fish for scientific purposes during any time of the year and on any area including sanctuaries without further review. The application must be accompanied by the requisite fee. The department shall investigate the applicant and the need for the permit. A permit is valid until December thirty‑first in the year in which issued. A permit must be extended for one year with payment of the fee. A permit is not transferable but a student assistant working under the direct supervision of the permittee is covered by the permit. All collecting must be done in accordance with recognized scientific methods. Data and results must be made available to the department upon request. The conditions of the permit must be adhered to. The department may suspend or cancel the permit at its discretion.

 (B) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for up to thirty days, or both.

 Section 50‑13‑1950. The department, without cost to this State, shall designate and establish sanctuaries where fish may breed unmolested, in the manner and subject to the provisions in this article.

 Section 50‑13‑1960. The department may select any place upon any river or stream within this State as a fish sanctuary. Upon making this selection, the board, upon approval in writing of a majority of the members of the county legislative delegation from the county in which this proposed fish sanctuary is to be located, may designate and set apart the place as a fish sanctuary. A sanctuary may not exceed two miles in length along any river or stream. When a sanctuary is so designated and set apart, the board shall have it adequately and conspicuously marked and shall designate the limits of it in all directions.

 Section 50‑13‑1990. A person fishing or trespassing upon any property or waters so established as a sanctuary by the department is guilty of a misdemeanor and, upon conviction, must be fined not exceeding two hundred dollars or imprisoned not more than thirty days. In cases where magistrates have countywide territorial jurisdiction, the magistrate closest to the sanctuary where the offense occurred shall have jurisdiction of the case. In counties where magistrates are given separate and exclusive territorial jurisdiction the case must be tried as provided in Section 22‑3‑530.

 Section 50‑13‑1995. The department may permit the federal government to conduct fish culture and scientific investigations in the waters of this State in connection with hatchery operations or management of those species under federal jurisdiction.

 Section 50‑13‑2011. The department has management authority over the lakes and ponds that it owns or leases. It may establish terms and conditions under which the public may use the lakes and ponds pursuant to the provisions of Article 3, Chapter 23, Title 1 (the Administrative Procedures Act).

 Section 50‑13‑2015. (A) A fish sanctuary is established in the St. Stephen Rediversion Canal between the Corps of Engineers’ powerhouse and the Atlantic Coastline Railroad Bridge. It is unlawful for a person to fish in the sanctuary except as provided in this section.

 (B) From March first to May first each year, fishing for nongame fish is allowed from the Atlantic Coastline Bridge upstream to a point marked by signs or buoys, or both. This location must be marked by the department after consultation with and with the permission of the United States Army Corps of Engineers. Fishing is allowed from six p.m. to twelve midnight. The area otherwise is closed to all fishing and boating activities.

 (C) The catch limit is five hundred pounds of fish or one hundred dozen fish a boat a day. Game fish taken must be returned immediately to the water. All fish, except those used for live bait, must be packed in boxes with a one hundred pound capacity before crossing back under the railroad bridge.

 (D) Fishing devices must not be used except cast nets, dip nets, or drop nets. The diameter of the dip or drop nets used may not exceed six feet. Nets must not be operated by the use of mechanical devices such as winches, cranes, or pulleys.

 (E) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five nor more than one hundred dollars or imprisoned not less than fifteen nor more than thirty days.

 Section 50‑13‑2016. Herring fishing is prohibited within one hundred feet of the fish lift exit channel at St. Stephens Powerhouse.”

**Fishing devices on Little Pee Dee River**

SECTION 7. Article 13, Chapter 19, Title 50 of the 1976 Code is amended to read:

“Article 13

Devices on Little Pee Dee River

 Section 50‑19‑710. Beginning on July 1, 2012, and for three years thereafter on the Little Pee Dee River, the following nongame devices are permitted:

 (1) Hoop nets:

 (i) recreational license ‑ one;

 (ii) commercial license ‑ twenty-five;

 (2) Traps:

 (i) recreational license ‑ two;

 (ii) commercial license ‑ twenty-five.

 To fish these devices only in the Little Pee Dee River the department will issue special tags valid for three years at no cost.”

**Repeal**

SECTION 8. Sections 50‑13‑385, 50‑13‑390, 50‑13‑400, and 50‑13‑1450 of the 1976 Code are repealed.

**Time effective**

SECTION 9. Upon approval by the Governor, this act takes effect July 1, 2012.

Ratified the 26th day of January, 2012.

Approved the 1st day of February, 2012.

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