**South Carolina General Assembly**

119th Session, 2011-2012

**A228, R266, S741**

**STATUS INFORMATION**

General Bill

Sponsors: Senator S. Martin

Document Path: l:\s-res\srm\012coyo.kmm.srm.docx

Introduced in the Senate on March 29, 2011

Introduced in the House on April 28, 2011

Last Amended on June 6, 2012

Passed by the General Assembly on June 7, 2012

Governor's Action: June 18, 2012, Signed

Summary: Use of laser sights while hunting coyotes

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/29/2011 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h%3A%5Csj%20archive%5C2011%5C03-29-11.docx))

 3/29/2011 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 4](file:///h%3A%5Csj%20archive%5C2011%5C03-29-11.docx))

 4/20/2011 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** ([Senate Journal‑page 8](file:///h%3A%5Csj%20archive%5C2011%5C04-20-11.docx))

 4/21/2011 Scrivener's error corrected

 4/26/2011 Senate Committee Amendment Adopted ([Senate Journal‑page 29](file:///h%3A%5Csj%20archive%5C2011%5C04-26-11.docx))

 4/26/2011 Senate Amended ([Senate Journal‑page 29](file:///h%3A%5Csj%20archive%5C2011%5C04-26-11.docx))

 4/26/2011 Senate Read second time ([Senate Journal‑page 29](file:///h%3A%5Csj%20archive%5C2011%5C04-26-11.docx))

 4/26/2011 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 29](file:///h%3A%5Csj%20archive%5C2011%5C04-26-11.docx))

 4/27/2011 Senate Amended ([Senate Journal‑page 13](file:///h%3A%5Csj%20archive%5C2011%5C04-27-11.docx))

 4/27/2011 Senate Read third time and sent to House ([Senate Journal‑page 13](file:///h%3A%5Csj%20archive%5C2011%5C04-27-11.docx))

 4/28/2011 House Introduced and read first time ([House Journal‑page 7](file:///h%3A%5Chj%20archive%5C2011%5C04-28-11.docx))

 4/28/2011 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 7](file:///h%3A%5Chj%20archive%5C2011%5C04-28-11.docx))

 5/30/2012 House Recalled from Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 117](file:///h%3A%5Chj%20archive%5C2012%5C05-30-12.docx))

 6/5/2012 House Debate adjourned until Wed., 06‑06‑12 ([House Journal‑page 99](file:///h%3A%5Chj%20archive%5C2012%5C06-05-12.docx))

 6/6/2012 House Debate adjourned ([House Journal‑page 37](file:///h%3A%5Chj%20archive%5C2012%5C06-06-12.docx))

 6/6/2012 House Amended ([House Journal‑page 105](file:///h%3A%5Chj%20archive%5C2012%5C06-06-12.docx))

 6/6/2012 House Read second time ([House Journal‑page 105](file:///h%3A%5Chj%20archive%5C2012%5C06-06-12.docx))

 6/6/2012 House Roll call Yeas‑104 Nays‑0 ([House Journal‑page 110](file:///h%3A%5Chj%20archive%5C2012%5C06-06-12.docx))

 6/7/2012 House Read third time and returned to Senate with amendments ([House Journal‑page 17](file:///h%3A%5Chj%20archive%5C2012%5C06-07-12.docx))

 6/7/2012 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 76](file:///h%3A%5Csj%20archive%5C2012%5C06-07-12.docx))

 6/7/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 76](file:///h%3A%5Csj%20archive%5C2012%5C06-07-12.docx))

 6/7/2012 Scrivener's error corrected

 6/12/2012 Ratified R 266

 6/18/2012 Signed By Governor

 6/20/2012 Effective date 06/18/12

 6/26/2012 Act No. 228

**VERSIONS OF THIS BILL**

[3/29/2011](file:///p%3A%5Cpprever%5C2011-12%5C741_20110329.docx)

[4/20/2011](file:///p%3A%5Cpprever%5C2011-12%5C741_20110420.docx)

[4/21/2011](file:///p%3A%5Cpprever%5C2011-12%5C741_20110421.docx)

[4/26/2011](file:///p%3A%5Cpprever%5C2011-12%5C741_20110426.docx)

[4/27/2011](file:///p%3A%5Cpprever%5C2011-12%5C741_20110427.docx)

[5/30/2012](file:///p%3A%5Cpprever%5C2011-12%5C741_20120530.docx)

[6/6/2012](file:///p%3A%5Cpprever%5C2011-12%5C741_20120606.docx)

[6/7/2012](file:///p%3A%5Cpprever%5C2011-12%5C741_20120607.docx)

(A228, R266, S741)

**AN ACT** **TO AMEND SECTION 50‑11‑710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NIGHT HUNTING PROHIBITIONS AND EXCEPTIONS, SO AS TO PROVIDE FOR THE LAWFUL NIGHT HUNTING OF FERAL HOGS AND COYOTES IN SPECIFIC CIRCUMSTANCES, AND TO DEFINE A RELATED TERM, AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 50‑11‑740, RELATING TO THE CONFISCATION, FORFEITURE, AND SALE OF PROPERTY USED IN UNLAWFUL HUNTING, SO AS TO INCLUDE TRAILERS AND OTHER MEANS OF CONVEYANCE, AND MAKE APPLICABLE TO VIOLATIONS OF UNLAWFUL NIGHT HUNTING; TO AMEND SECTION 50‑16‑70, AS AMENDED, RELATING TO PENALTIES FOR UNLAWFUL IMPORTATION OF WILDLIFE, SO AS TO INCLUDE SUSPENSION OF HUNTING LICENSES AND CONFISCATION, FORFEITURE, AND SALE OF CERTAIN ASSOCIATED PROPERTY, TO PROVIDE EACH UNLAWFULLY IMPORTED ANIMAL CONSTITUTES A SEPARATE OFFENSE, AND TO GIVE EXCLUSIVE JURISDICTION TO THE MAGISTRATES COURT.**

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

**Night hunting of feral hogs and coyotes with or without bait, electronic calls, artificial light, or night vision devices in certain circumstances permitted, definitions, penalties for violations**

SECTION 1. Section 50‑11‑710 of the 1976 Code, as last amended by Act 243 of 2010, 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) during 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) 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, a hunter must be at an elevated position at least ten feet from the ground; and

 (c) 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.

 (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) during 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) 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, a hunter must be at an elevated position at least ten feet from the ground; and

 (c) 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.

 (B) The provisions contained in items (2)(b) and (3)(b) 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) 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) 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) 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) 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.”

**Confiscation, forfeiture, and sale of property used in unlawful hunting to include trailers and other means of conveyance, application to violations of unlawful night hunting**

SECTION 2. Section 50‑11‑740 of the 1976 Code is amended to read:

 “Section 50‑11‑740. Every vehicle, boat, trailer, other means of conveyance, animal, and firearm used in the hunting of deer or bear at night, or used in connection with a violation of Section 50‑11‑710, is forfeited to the State and must be confiscated by any peace officer who shall forthwith deliver it to the department.

 ‘Hunting’ as used in this section in reference to a vehicle, boat, or other means of conveyance includes the transportation of a hunter to or from the place of hunting or the transportation of the carcass, or any part of the carcass, of a deer, bear, coyote, armadillo, or feral hog which has been unlawfully killed at night.

 For purposes of this section, a conviction for unlawfully hunting deer, bear, coyote, armadillo, or feral hog at night is conclusive as against any convicted owner of the above‑mentioned property.”

**Penalties for unlawful importation of wildlife to include suspension of hunting license and confiscation, forfeiture, and sale of certain associated property, each unlawfully imported animal constitutes a separate offense, exclusive jurisdiction of magistrates court**

SECTION 3. Section 50‑16‑70 of the 1976 Code, as last amended by Act 211 of 2010, is further amended to read:

 “Section 50‑16‑70. (A) A person violating the provisions of this chapter, or any condition of a permit issued pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than six months, or both. The department must suspend the hunting privileges of a person convicted of violating this chapter for one year from the date of the conviction.

 (B) In addition to any other penalties provided by law, a person convicted of a violation of subsection (A) is also subject to the confiscation, forfeiture, and sale provisions contained in Section 50‑11‑740 for any property, vehicle, trailer, or other means of conveyance utilized to import, possess, or transport the animal.

 (C) For the purposes of this section, each animal imported in violation of subsection (A) constitutes a separate offense.

 (D) Notwithstanding Chapter 3, Title 22, magistrates court shall have jurisdiction over actions arising under this section.”

**Time effective**

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

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

\_\_\_\_\_\_\_\_\_\_