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Indicates New Matter

COMMITTEE REPORT

March 17, 2021

**S. 556**

Introduced by Senators Goldfinch and Campsen

S. Printed 3/17/21--S. [SEC 3/18/21 1:19 PM]

Read the first time February 17, 2021.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (S. 556) to amend the Code of Laws of South Carolina, 1976, by adding Section 50‑11‑107 so as to provide a penalty for a violation of the provisions of, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

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

“Section 50‑11‑107. Unless otherwise provided, a person violating a provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, or imprisoned for not more than sixty days, or both.”

SECTION 2. Section 50‑9‑450(A) of the 1976 Code is amended to read:

“(A) In addition to a valid state hunting license, an annual ~~commercial fur~~ trapping license is required of all persons who sell or take, by any means, fur‑bearing animals for commercial purposes, and all persons who trap or who attempt to trap any fur bearing animals during a trapping season established by the department on a wildlife management area, heritage trust land, or other property owned or leased by the department. The license is issued by the department at a cost of twenty‑five dollars for residents and two hundred dollars for nonresidents. ~~Any person having in his possession more than five fur bearing animals or raw or green pelts shall have a valid commercial fur license.~~ The provisions of this section do not apply to a processor, manufacturer, or retailer.”

SECTION 3. Section 50‑11‑2400(d) of the 1976 Code is amended to read:

“(d) ‘Commercial purposes’ means taking or possessing any fur, pelt, hide, or whole fur‑bearing animal for a fee, exchange, sale, trade, or barter ~~and taking or possessing more than five furs, pelts, hides, or whole animals~~.”

SECTION 4. Section 50‑11‑2430 of the 1976 Code is amended to read:

“Section 50‑11‑2430. A person engaged in the act of trapping on private land must be the owner of the property on which ~~the traps or devices are set or has written permission from the landowner or his agent in possession to use the property for trapping~~ a trap is set or be the agent of the owner.”

SECTION 5. Section 50‑11‑2445 of the 1976 Code is amended to read:

“Section 50‑11‑2445. It is unlawful for a person, other than the owner of the trap, or the owner’s ~~designee~~ agent, to remove any lawfully trapped wildlife from ~~any~~ a legally set trap. ~~A designee must have in his possession written permission from the owner of the trap or the owner’s agent, and must meet all commercial fur licensing requirements or be listed on a valid depredation permit.~~ 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 no more than thirty days.”

SECTION 6. Section 50‑11‑2450 of the 1976 Code is amended to read:

“Section 50‑11‑2450. Any person required to be licensed under Section ~~50‑11‑2420~~ 50‑9‑450 shall report to the department by April fifteenth of each year the number and type of ~~furbearing~~ fur‑bearing animals taken, sold, or shipped, together with the names and addresses of persons to whom sold or shipped using forms as the department may prescribe. Any person failing to report by April fifteenth of each year shall, on the second offense, be denied a license for the following fiscal year.”

SECTION 7. Section 50‑11‑2460(C) of the 1976 Code is amended to read:

“(C) All traps on a wildlife management area, heritage trust land, or other property owned or leased by the department must bear the owner’s name and address or department‑issued customer number either directly thereon or by an attached identification tag.”

SECTION 8. Section 50‑11‑2480 of the 1976 Code is amended to read:

“Section 50‑11‑2480. The following persons are not required to obtain a fur buyer’s license:

(1) a person who acquires ~~not more than five~~ furs, pelts, hides, or whole animals for his own personal use ~~during one season~~ and not for barter, exchange, or sale;

(2) a person licensed as a fur processor;

(3) a taxidermist who possesses a fur, pelt, hide, or whole ~~furbearing~~ fur-bearing animal legally owned by another person which he is holding temporarily solely for the purposes of processing;

(4) a person acquiring ~~furbearing~~ fur-bearing animal carcasses without hides; and

(5) an owner or enclosure operator of a permitted fox and coyote hunting enclosure who purchases live foxes or coyotes for release into the enclosure.”

SECTION 9. Section 50‑11‑2515 of the 1976 Code is amended to read:

“Section 50‑11‑2515. ~~Except as otherwise permitted in this article, it is unlawful to possess, acquire, or transfer any raw or green fur, pelt, hide, or whole furbearing animal.~~ It is ~~also~~ unlawful to possess, acquire, or transfer any untagged fur, pelt, hide, or whole animal that requires a tag pursuant to the provisions of Section 50‑11‑2510. ~~Any~~ A person convicted of a violation of this section is guilty of a misdemeanor and ~~must be punished as provided in Section 50‑11‑2560~~, upon conviction, must be fined not less than three hundred dollars but not more than one thousand dollars, or imprisoned for not more than sixty days, or both. Each fur, pelt, hide, or whole animal found in violation of this section constitutes a separate offense.”

SECTION 10. Section 50‑11‑2540 of the 1976 Code is amended to read:

“Section 50‑11‑2540. (A) ~~It is lawful to trap furbearing animals for commercial purposes from~~ The trapping season for fur‑bearing animals is December first of each year to March first of the succeeding year. It is unlawful to trap any other times unless authorized pursuant to a provision of this article or by the department. ~~It is lawful to take furbearing animals by other lawful means during the general open hunting seasons established therefor.~~

~~(B)~~ ~~It is lawful to trap coyotes from December first of each year to March first of the succeeding year. It is unlawful to trap coyotes at any other time unless authorized by the department. Notwithstanding the provisions of Section 50‑11‑1080, it is lawful to take coyotes by other lawful means at any time during the year.~~

(B)(1) A property owner, or an agent authorized by the owner, may trap beaver on the property of the owner year round without a license or permit from the department for the noncommercial purposes of:

(a) wildlife habitat, wetland, pond, agricultural, or silviculture management; or

(b) the protection of property improvements.

(2) A property owner, or an agent authorized by the owner, may trap all other fur‑bearing animals on the property of the owner from December first of each year to March first of the succeeding year without a license or permit from the department for the noncommercial purposes of:

(a) wildlife habitat, wetland, pond, agricultural, or silviculture management;

(b) predator control; or

(c) the protection of property improvements.

(C) It is lawful to take fur‑bearing animals by other lawful means during the general open hunting seasons established therefore.”

SECTION 11. Section 50‑11‑2565 of the 1976 Code is amended to read:

“Section 50‑11‑2565. ~~Any~~ Unless otherwise provided, a person violating ~~the provisions~~ a provision of this article ~~unless otherwise specified in Section 50‑11‑2560~~ 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 for each violation.”

SECTION 12. Section 50‑11‑2560 of the 1976 Code is repealed.

SECTION 13. The Department of Natural Resources is directed to study the public trapping opportunities in Florida, Georgia, and North Carolina and to promulgate regulations for the establishment of trapping seasons on its owned or leased lands that are the most appropriate for public trapping.

SECTION 14. The Code Commissioner of the Legislative Council is directed to change all references to “commercial fur license” or “commercial fur licensee” not specifically addressed in this act to “trapping license” or “trapping licensee.”

SECTION 15. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

GEORGE E. CAMPSEN III for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑107 SO AS TO PROVIDE A PENALTY FOR A VIOLATION OF THE PROVISIONS OF CHAPTER 11, TITLE 50; TO AMEND SECTION 50‑9‑450, RELATING TO COMMERCIAL FUR LICENSES, SO AS TO REMOVE THE LICENSE REQUIREMENT FOR PERSONS WHO TRAP FUR‑BEARING ANIMALS; TO AMEND SECTION 50‑11‑2200, RELATING TO UNLAWFUL CONDUCT ON WILDLIFE MANAGEMENT AREAS, SO AS TO REMOVE THE PROHIBITION ON TRAPPING; TO AMEND SECTION 50‑11‑2400, RELATING TO DEFINITIONS, SO AS TO LIMIT THE DEFINITION OF THE TERM “COMMERCIAL PURPOSES” TO FUR‑BEARING ANIMALS; TO AMEND SECTION 50‑11‑2430, RELATING TO THE PROOF OF OWNERSHIP OR PERMISSION TO SET TRAPS ON LAND, SO AS TO LIMIT THE USE OF TRAPS ON PRIVATE LAND TO THE OWNER OR HIS AGENT; TO AMEND SECTION 50‑11‑2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE, SO AS TO REMOVE REFERENCES TO A DESIGNEE AND INSERT THE TERM “AGENT”; TO AMEND SECTION 50‑11‑2450, RELATING TO REPORTING REQUIREMENTS FOR COMMERCIAL FUR LICENSEES, SO AS TO REMOVE A REFERENCE TO A REPEALED CODE SECTION; TO AMEND SECTION 50‑11‑2460, RELATING TO TRAPS ALLOWED FOR TRAPPING, SO AS TO REQUIRE ONLY CERTAIN INFORMATION TO BE ON TRAPS ON PUBLIC LAND; TO AMEND SECTION 50‑11‑2515, RELATING TO PROHIBITED ACTS, SO AS TO ESTABLISH A PENALTY FOR CERTAIN ACTS; TO AMEND SECTION 50‑11‑2540, RELATING TO TRAPPING SEASON, SO AS TO ESTABLISH TRAPPING SEASONS ON PUBLIC AND PRIVATE LAND AND TO REMOVE CERTAIN PROHIBITIONS ON TRAPPING COYOTES; TO AMEND SECTION 50‑11‑2565, RELATING TO PENALTIES FOR VIOLATIONS OF ARTICLE 12, SO AS TO REMOVE A REFERENCE; TO AMEND SECTION 50‑11‑2570, RELATING TO SPECIAL PERMITS TO CAPTURE DESTRUCTIVE WILDLIFE, SO AS TO ALLOW A PROPERTY OWNER OR HIS AGENT TO TAKE FUR‑BEARING ANIMALS OR SQUIRRELS FOR AGRICULTURAL OR WILDLIFE MANAGEMENT PURPOSES WITHOUT A LICENSE OR PERMIT AND TO REMOVE THE PROHIBITION ON THE COMMERCIAL DISPOSAL OF A FUR‑BEARING ANIMAL TAKEN IN ACCORDANCE WITH A DEPREDATION PERMIT; AND TO REPEAL SECTION 50‑11‑2560 RELATING TO PENALTIES FOR VIOLATIONS OF ARTICLE 12.

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

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

“Section 50‑11‑107. Unless otherwise provided, a person violating a provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than three hundred dollars but not more than one thousand dollars, or imprisoned for not more than sixty days, or both.”

SECTION 2. Section 50‑9‑450 of the 1976 Code is amended to read:

“Section 50‑9‑450. (A) In addition to a valid state hunting license, an annual commercial fur license is required of all persons who sell or take, by any means, fur‑bearing animals for commercial purposes~~, and all persons who trap or who attempt to trap any fur bearing animals~~.

(B) The license is issued by the department at a cost of twenty‑five dollars for residents and two hundred dollars for nonresidents.

(C) Any person having in his possession more than five fur bearing animals or more than five raw or green pelts ~~shall~~ must have a valid commercial fur license. The provisions of this section do not apply to a processor, manufacturer, or retailer.

~~(B)~~(D) A person under the age of sixteen may purchase a commercial fur license without having to purchase a state hunting license after completing the ‘Trappers Education Course’.

~~(C)~~(E) A person under the age of sixteen is exempt from the licensing requirements of this section while in the presence of a commercial fur licensee, but may not sell any fur bearing animals or raw or green pelts unless licensed.”

SECTION 3. Section 50‑11‑2200(C)(37) of the 1976 Code is amended to read:

“(37) ~~trapping~~ Reserved;”

SECTION 4. Section 50‑11‑2400(d) of the 1976 Code is amended to read:

“(d) ‘Commercial purposes’ means taking or possessing any fur, pelt, hide, or whole fur‑bearing animal for a fee, exchange, sale, trade, or barter and taking or possessing more than five furs, pelts, hides, or whole fur‑bearing animals.”

SECTION 5. Section 50‑11‑2430 of the 1976 Code is amended to read:

“Section 50‑11‑2430. A person engaged in the act of trapping on private land must be the owner of the property on which ~~the traps or devices are set or has written permission from the landowner or his agent in possession to use the property for trapping~~ a trap is set or be the agent of the owner.”

SECTION 6. Section 50‑11‑2445 of the 1976 Code is amended to read:

“Section 50‑11‑2445. It is unlawful for a person, other than the owner of the trap, or the owner’s ~~designee~~ agent, to remove any lawfully trapped wildlife from ~~any~~ a legally set trap. ~~A designee must have in his possession written permission from the owner of the trap or the owner’s agent, and must meet all commercial fur licensing requirements or be listed on a valid depredation permit.~~ 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 no more than thirty days.”

SECTION 7. Section 50‑11‑2450 of the 1976 Code is amended to read:

“Section 50‑11‑2450. ~~Any person required to be licensed under Section 50‑11‑2420 shall~~ A person taking fur‑bearing animals for commercial purposes must report to the department by April fifteenth of each year the number and type of ~~furbearing~~ fur‑bearing animals taken, sold, or shipped, together with the names and addresses of persons to whom sold or shipped using forms as the department may prescribe. Any person failing to report by April fifteenth of each year shall, on the second offense, be denied a license for the following fiscal year.”

SECTION 8. Section 50‑11‑2460(C) of the 1976 Code is amended to read:

“(C) All traps on public land must bear the owner’s name and address or department‑issued customer number either directly thereon or by an attached identification tag.”

SECTION 9. Section 50‑11‑2515 of the 1976 Code is amended to read:

“Section 50‑11‑2515. Except as otherwise permitted in this article, it is unlawful to possess, acquire, or transfer any raw or green fur, pelt, hide, or whole ~~furbearing~~ fur‑bearing animal. It is also unlawful to possess, acquire, or transfer any untagged fur, pelt, hide, or whole animal that requires a tag. ~~Any~~ A person convicted of a violation of this section is guilty of a misdemeanor and ~~must be punished as provided in Section 50‑11‑2560~~, upon conviction, must be fined not less than three hundred dollars but not more than one thousand dollars, or imprisoned for not more than sixty days, or both. Each fur, pelt, hide, or whole animal found in violation of this section constitutes a separate offense.”

SECTION 10. Section 50‑11‑2540 of the 1976 Code is amended to read:

“Section 50‑11‑2540. (A) It is lawful to trap ~~furbearing~~ fur‑bearing animals ~~for commercial purposes from December first of each year to March first of the succeeding year. It is unlawful to trap any other times unless authorized by the department~~:

(1) on public land year round except during the seasons established for turkey and deer; and

(2) on private land year round.

(B) It is lawful to take ~~furbearing~~ fur‑bearing animals by other lawful means during the general open hunting seasons established therefor.

~~(B)~~ ~~It is lawful to trap coyotes from December first of each year to March first of the succeeding year. It is unlawful to trap coyotes at any other time unless authorized by the department. Notwithstanding the provisions of Section 50‑11‑1080, it is lawful to take coyotes by other lawful means at any time during the year.~~”

SECTION 11. Section 50‑11‑2565 of the 1976 Code is amended to read:

“Section 50‑11‑2565. ~~Any~~ Unless otherwise provided, a person violating ~~the provisions~~ a provision of this article ~~unless otherwise specified in Section 50‑11‑2560~~ 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 for each violation.”

SECTION 12. Section 50‑11‑2570 of the 1976 Code is amended to read:

“Section 50‑11‑2570. (A) The department may issue ~~special~~ depredation permits, at no cost to ~~the applicant~~ applicants, for the taking, capturing, or transportation of wildlife which is destroying or damaging private or public property, wildlife habitat, game species, timber, crops, or other agriculture so as to be a nuisance or for scientific, research, or wildlife management purposes.

(B) ~~The permit provided in subsection (A) is not required by the property owner or his designee when capturing furbearing animals or squirrels within one hundred yards of the owner’s home when the animal is causing damage to the home or the owner’s property.~~ A property owner, or an agent authorized by the owner, may take or capture fur‑bearing animals or squirrels on the property of the owner for agricultural or wildlife management purposes without a license or permit from the department. An animal captured pursuant to this subsection must be destroyed or with a department permit may be relocated.

~~(C)~~ ~~A person taking a furbearing animal under authority of a depredation permit may not dispose of the animal commercially. A person taking a furbearing animal in accordance with a depredation permit must report the number and type of animal taken to the department on forms prescribed by the department within twenty‑one days of the expiration of the permit. A permit issued for the removal of destructive beavers is valid for a period of not less than one year from the date of issue.~~”

SECTION 13. Section 50‑11‑2560 of the 1976 Code is repealed.

SECTION 14. This act takes effect upon approval by the Governor.

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