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Bill 4107

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A BILL

TO AMEND SECTION 47-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ILL-TREATMENT OF ANIMALS, SO AS TO RESTRUCTURE THE STATUTE AND PROVIDE GRADUATED PENALTIES FOR THE VARIOUS LEVELS OF ILL-TREATMENT OF ANIMALS.

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

SECTION 1. Section 47-1-40 of the 1976 Code, as last amended by Act 251 of 2014, is further amended to read:

"Section 47-1-40. (A) It is unlawful for a person who to knowingly or intentionally overloads, overdrives, overworks, or ill-treats an animal, deprives an animal of necessary sustenance or shelter, inflicts ~~inflicts~~ unnecessary pain or suffering upon an animal, or by omission or commission knowingly or intentionally causes cause these acts to be done. A person who violates the provisions of this subsection, for every offense, is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding ninety days or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, for a first offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a second or subsequent offense:

(1) for a first offense, must be fined not less than one hundred dollars or imprisoned for not more sixty days, or both. Notwithstanding another provision of law, a first offense pursuant to this item must be tried in magistrates or municipal court;

(2) for a second offense, must be fined not more than eight hundred dollars or imprisoned for not more than ninety days, or both; and

(3) for a third or subsequent offense, must be fined not more than two thousand dollars or imprisoned for not more than two years, or both.

(B) It is unlawful for a person to knowingly or intentionally deprive an animal of necessary sustenance or shelter, to confine the animal in unsanitary conditions in an enclosure or the immediate surroundings where the animal is harbored, or by omission or commission knowingly or intentionally cause these things to be done. A person who violates the provisions of this subsection with respect to:

(1) less than ten animals, 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. Notwithstanding another provision of law, a first offense pursuant to this item must be tried in magistrates or municipal court;

(2) at least ten but less than twenty-five animals, is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned not more than three years, or both;

(3) at least twenty-five but less than fifty animals, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both; and

(4) more than fifty animals, is guilty of a felony and, upon conviction, must be fined not more than fifteen thousand dollars or imprisoned not more than ten years, or both.

~~(C)~~ It is unlawful for a person who tortures, torments, needlessly mutilates, cruelly kills, or inflicts to torture, torment, needlessly mutilate, cruelly kill, or inflict excessive or repeated unnecessary pain or suffering upon an animal or by omission or commission causes cause these acts to be done, A person who violates the provisions of this subsection, for every offense, is guilty of a felony and, upon conviction, must be punished by imprisonment of not less than one hundred eighty days and not to exceed five years and by a fine of five thousand dollars;

(1) for a first offense, must be fined not less than five thousand dollars or imprisoned for not less than one hundred eighty days nor more than five years, or both;

(2) for a second offense, must be fined not less than five thousand nor more than fifteen thousand dollars or imprisoned for not less than one hundred eighty days nor more than ten years, or both; and

(3) for a third or subsequent offense, must be fined not less than ten thousand nor more than fifty thousand dollars or imprisoned for not less than one year nor more than ten years, or both.

~~(C)~~(D) This section does not apply to fowl, accepted animal husbandry practices of farm operations and the training of animals, the practice of veterinary medicine, agricultural practices, forestry and silvacultural practices, wildlife management practices, or activity authorized by Title 50, including an activity authorized by the South Carolina Department of Natural Resources or an exercise designed for training dogs for hunting, if repeated contact with a dog or dogs and another animal does not occur during this training exercise."

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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