

Session 121 - (2015-2016)

H 5035 General Bill, By McCoy and Long

Similar (S 0680)

Summary: Provisions for Cost of Animal Care Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-1-145 SO AS TO ENACT THE "PROVISIONS FOR COST OF ANIMAL CARE ACT", TO PROVIDE THAT THE CUSTODIAN OF AN ANIMAL TAKEN INTO CUSTODY DUE TO CIVIL OR CRIMINAL VIOLATIONS BY ITS OWNER MAY PETITION THE COURT FOR EXPENSES RELATED TO PROVIDING CARE TO THE ANIMAL, TO ESTABLISH PROCEDURES FOR HEARING SUCH PETITIONS, TO PROVIDE THAT THE COURT SHALL SET A RENEWABLE BOND FOR THE FUNDS NECESSARY TO PROVIDE THE CARE FOR AN ANIMAL TAKEN INTO CUSTODY FOR THIRTY DAYS AND CRITERIA THE COURT SHOULD TAKE INTO CONSIDERATION, TO PROVIDE THAT AN ORDER FOR FUNDS SHALL AUTOMATICALLY RENEW IF THE CUSTODIAN FILES AN AFFIDAVIT WITH THE COURT STATING THAT THE CASE AGAINST THE DEFENDANT HAS NOT BEEN RESOLVED, TO PROVIDE THAT THE COURT MAY ORDER THE DEFENDANT TO DEPOSIT THE FUNDS WITH THE COURT AND TO PROVIDE THAT IF THE FUNDS ARE NOT DEPOSITED WITHIN FIVE BUSINESS DAYS, THE ANIMAL IS FORFEITED TO THE CUSTODIAN, TO ESTABLISH THAT A DEFENDANT MAY RECOVER CUSTODY OF THE ANIMAL IF THE COURT MAKES A FINAL DETERMINATION IN HIS FAVOR AND SATISFIES ALL OUTSTANDING OBLIGATIONS CONCERNING COURT-ORDERED DEPOSITS FOR THE CARE OF THE ANIMAL, TO PROVIDE THAT A PERSON WHO FAILS TO PAY SUCH FUNDS FORFEITS RIGHTS OF OWNERSHIP TO THE ANIMAL, TO PROVIDE FOR THE DISPOSITION OF SUCH AN ANIMAL, TO PROVIDE THAT THE CUSTODIAN MAY SEEK PLACEMENT OF THE ANIMAL BEFORE THE EXPIRATION OF THE THIRTY-DAY PERIOD IF THE COURT MAKES A FINAL DETERMINATION OF THE CHARGES AGAINST THE DEFENDANT, AND TO PROVIDE FOR THE RETURN OF FUNDS TO THE DEFENDANT IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 47-1-130, AS AMENDED, RELATING TO CRUELTY TO ANIMALS, SO AS TO PROVIDE THAT AGENTS OF THE SOUTH CAROLINA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, OR ANY OTHER SOCIETY DULY INCORPORATED FOR THAT PURPOSE, MAY ASSIST WITH A LAWFUL INVESTIGATION PURSUANT TO THE PROVISIONS OF THIS CHAPTER; AND TO AMEND SECTION 47-1-140, AS AMENDED, RELATING TO NOTICE PROVIDED TO THE OWNER OF ANIMALS WHICH HAVE BEEN SEIZED FROM OTHERS UPON ARREST, TO REMOVE PROVISIONS REGARDING LIENS HELD BY LAW ENFORCEMENT OFFICERS FOR ANIMAL CARE EXPENSES.

03/03/16 House Introduced and read first time (House Journal-page 8)

03/03/16 House Referred to Committee on Judiciary (House Journal-page 8)