**South Carolina General Assembly**

118th Session, 2009-2010

**A56, R87, H3013**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Limehouse, Parker and Toole

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Introduced in the House on January 13, 2009

Introduced in the Senate on April 1, 2009

Last Amended on March 31, 2009

Passed by the General Assembly on May 21, 2009

Became law without Governor's signature, June 3, 2009

Summary: Animal enclosures

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/9/2008 House Prefiled

 12/9/2008 House Referred to Committee on **Judiciary**

 1/13/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C01-13-09.docx)‑21

 1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C01-13-09.docx)‑22

 3/25/2009 House Committee report: Favorable with amendment **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-25-09.docx)‑7

 3/31/2009 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-31-09.docx)‑68

 3/31/2009 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-31-09.docx)‑69

 4/1/2009 House Read third time and sent to Senate [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-01-09.docx)‑32

 4/1/2009 Scrivener's error corrected

 4/1/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-01-09.docx)‑12

 4/1/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C04-01-09.docx)‑12

 4/16/2009 Senate Referred to Subcommittee: Knotts (ch), Massey, Coleman

 5/13/2009 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-13-09.docx)‑12

 5/19/2009 Senate Committee Amendment Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-19-09.docx)‑24

 5/19/2009 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-19-09.docx)‑24

 5/20/2009 Senate Read third time and returned to House with amendments [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-20-09.docx)‑61

 5/21/2009 House Concurred in Senate amendment and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-21-09.docx)‑48

 5/21/2009 House Roll call Yeas‑104 Nays‑0 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-21-09.docx)‑48

 5/27/2009 Ratified R 87

 6/3/2009 Became law without Governor's signature

 6/11/2009 Effective date 06/03/09

 6/12/2009 Act No. 56

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p%3A%5Cpprever%5C2009-10%5C3013_20081209.docx)

[3/25/2009](file:///p%3A%5Cpprever%5C2009-10%5C3013_20090325.docx)

[3/31/2009](file:///p%3A%5Cpprever%5C2009-10%5C3013_20090331.docx)

[4/1/2009](file:///p%3A%5Cpprever%5C2009-10%5C3013_20090401.docx)

[5/13/2009](file:///p%3A%5Cpprever%5C2009-10%5C3013_20090513.docx)

[5/19/2009](file:///p%3A%5Cpprever%5C2009-10%5C3013_20090519.docx)

(A56, R87, H3013)

**AN ACT TO AMEND SECTION 16‑11‑650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES, OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS, OR UNCULTIVATED LANDS, SO AS TO REVISE THE ELEMENTS OF THE OFFENSE, INCREASE PENALTIES FOR VIOLATIONS, PROVIDE FOR THE RIGHTS OF EASEMENT HOLDERS, AND TO VEST JURISDICTION TO HEAR AND DISPOSE OF THIS OFFENSE IN MAGISTRATES COURT.**

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

**Penalty increased, jurisdiction**

SECTION 1. Section 16‑11‑650 of the 1976 Code is amended to read:

 “Section 16‑11‑650. (A) A person, other than the owner or a person acting under the authority of the owner, who wilfully and knowingly removes, destroys, or leaves down any portion of a fence in this State intended to enclose animals of any kind or crops or uncultivated lands or who wilfully and knowingly leaves open or removes a gate or leaves down bars or other structure intended for the same purpose is guilty of a misdemeanor and must be punished by a fine of one thousand dollars or imprisonment for thirty days, or both.

 (B) The magistrates court is vested with jurisdiction to hear and dispose of these cases.

 (C) Nothing in this section shall affect an easement holder’s right and ability to maintain such easement and rights of way consistent with the provisions of the document granting such easement.”

**Savings clause**

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.

**Time effective**

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

Ratified the 27th day of May, 2009.

Became law without the signature of the Governor -- 6/3/09.

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