COMMITTEE REPORT

March 9, 2010

**S. 1027**

Introduced by Senator McGill

S. Printed 3/9/10--H.

Read the first time January 19, 2010.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (S. 1027) to amend Chapter 11, Title 50 of the 1976 Code, by adding Section 50‑11‑770 to enact the “Renegade Hunter Act”, to prohibit using dogs to hunt, 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 Section 50-11-770 of the 1976 Code, as contained in SECTION 2 and inserting:

/ Section 50‑11‑770. (A) For purposes of this section:

(1) ‘Hunting’ includes:

(a) attempting to take any game animal, hog, or coyote by occupying stands, standing, or occupying a vehicle while:

(b) possessing, carrying, or having readily accessible:

(i) a centerfire rifle with ammunition capable of being fired in that rifle; or

(ii) a shotgun with shot size larger than number four that is capable of being fired from that shotgun.

(2) ‘Possessing’, ‘carrying’, or ‘having readily available’ does not include a centerfire rifle or a shotgun that is:

(a) unloaded and cased in a closed compartment or vehicle;

(b) unloaded and cased in a vehicle trunk or tool box;

(c) in a vehicle traveling in a normal manner on a public road or highway; or

(d) in case of a stander with no vehicle, encased or unloaded with the shells at least thirty feet away and stacked, piled, or otherwise gathered together in like fashion.

(B) Notwithstanding the provisions contained in Section 50‑11‑760, it shall be unlawful for any person to hunt from any road, right of way, property line, boundary, or property upon which he does not have hunting rights with the aid or use of a dog when the dog has entered upon the land of another without written permission or over which the person does not have hunting rights. The provisions of this section apply whether the person in control of the dog intentionally or unintentionally releases, allows, or otherwise causes the dog to enter upon the land of another without permission of the landowner.

(C) It is not a violation of this section if a person, with the landowner’s permission, uses a single dog to recover a dead or wounded animal on the land of another and maintains sight and voice contact with the dog.

(D) A dog that has entered upon the land of another without permission given to the person in control of the dog shall not be killed, maimed, or otherwise harmed simply because the dog has entered upon the land. A person who violates this subsection may be fined not more than five hundred dollars or imprisoned for not more than thirty days. The penalties for violations of this section as provided in subsection (E) do not apply to violations of this subsection.

(E) A person who violates this section 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. The court must transmit record of the conviction to the department for hunting license suspension pursuant to subsection (F).

(F) In addition to any other penalties provided by law, a person convicted of a violation of this section must have his hunting privileges suspended by the department for one year from the date of his conviction. He may not have his hunting privileges reinstated by the department until after he successfully completes a hunter education class administered by the department. /

Renumber sections to conform.

Amend title to conform.

JEFF D. DUNCAN for Committee.

**A** **BILL**

TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50‑11‑770 TO ENACT THE “RENEGADE HUNTER ACT”, TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

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

SECTION 1. This act may be referred to and cited as the “Renegade Hunter Act”.

SECTION 2. Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑770. (A) For purposes of this section:

(1) ‘Hunting’ includes:

(a) attempting to take any game animal, hog, or coyote by occupying stands, standing, or occupying a vehicle while:

(b) possessing, carrying, or having readily accessible:

(i) a centerfire rifle with ammunition capable of being fired in that rifle; or

(ii) a shotgun with shot size larger than number four that is capable of being fired from that shotgun.

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(a) unloaded and cased in a closed compartment or vehicle;

(b) unloaded and cased in a vehicle trunk or tool box;

(c) in a vehicle traveling in a normal manner on a public road or highway; or

(d) encased or unloaded with the shells at least thirty feet away and stacked, piled, or otherwise gathered together in like fashion.

(B) Notwithstanding the provisions contained in Section 50‑11‑760, it shall be unlawful for any person to hunt from any road, right of way, property line, boundary, or property upon which he does not have hunting rights with the aid or use of a dog when the dog has entered upon the land of another without written permission or over which the person does not have hunting rights. The provisions of this section apply whether the person in control of the dog intentionally or unintentionally releases, allows, or otherwise causes the dog to enter upon the land of another without permission of the landowner.

(C) It is not a violation of this section if a person, with the landowner’s permission, uses a single dog to recover a dead or wounded animal on the land of another and maintains sight and voice contact with the dog.

(D) A dog that has entered upon the land of another without permission given to the person in control of the dog shall not be killed, maimed, or otherwise harmed simply because the dog has entered upon the land. A person who violates this subsection may be fined not more than five hundred dollars or imprisoned for not more than thirty days. The penalties for violations of this section as provided in subsection (E) do not apply to violations of this subsection.

(E) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars, no part of which may be suspended, or imprisoned for not more than thirty days, or both. The court must transmit record of the conviction to the department for hunting license suspension pursuant to subsection (F).

(F) In addition to any other penalties provided by law, a person convicted of a violation of this section must have his hunting privileges suspended by the department for one year from the date of his conviction. He may not have his hunting privileges reinstated by the department until after he successfully completes a hunter education class administered by the department.”

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

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