COMMITTEE REPORT

April 1, 2009

**H. 3121**

Introduced by Reps. J.E. Smith, E.H. Pitts, T.R. Young, Hutto, M.A. Pitts, Allison and Parker

S. Printed 4/1/09--S.

Read the first time March 3, 2009.

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

To whom was referred a Bill (H. 3121) to amend the Code of Laws of South Carolina, 1976, by adding Section 50‑15‑75 so as to provide that it is unlawful for a person to remove, 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. Chapter 15, Title 50 of the 1976 Code is amended by adding:

“Section 50‑15‑75. (A) It is unlawful for a person, or a group of individuals traveling in one vehicle, to remove, or attempt to remove from this State more than ten, either in one species or a combination of species, of the named species of turtles at one time with a maximum of twenty turtles of these species, either individually or in combination in any one year: yellowbelly turtle (Trachemys scripta), Florida cooter (Pseudemys floridana), river cooter (Pseudemys concinna), chicken turtle (Deirochelys reticularia), eastern box turtle (Terrapene carolina), eastern painted turtle (Chrysemys picta), spiny softshell turtle (Apalone spinifera), Florida softshell turtle (Apalone ferox), and common snapping turtle (Chelydra serpentina).

(B) The provisions of this section do not prohibit the sale, offer for sale, or purchase of the yellowbelly turtle (Trachemys scripta) species and the common snapping turtle (Chelydra serpentina) species if these turtles were taken from a permitted aquaculture facility or a private pond pursuant to a permit issued by the department at the request of the owner or owner’s agent. Any person transporting more than ten yellowbelly turtle (Trachemys scripta) species or common snapping turtle (Chelydra serpentina) species must be in possession of a permit pursuant to which the turtles were taken or acquired and, upon request, must provide it to authorized agents of the department. A person selling, offering to sell, or purchasing these species must have documentation from the aquaculture facility as to the origin of the turtles. The department may charge twenty-five dollars for a permit.

(C) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of up to two hundred dollars or up to thirty days in jail, or both. A violator must also have his permit permanently revoked and may never be issued another one. Each turtle removed or in possession of a person attempting to remove them is a separate violation of this section.”

SECTION 2. This act takes effect upon approval by the Governor. /

Amend title to conform.

RONNIE W. CROMER for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑15‑75 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO REMOVE, OR ATTEMPT TO REMOVE, FROM THIS STATE MORE THAN TEN TURTLES OF CERTAIN NAMED SPECIES, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

SECTION 1. Chapter 15, Title 50 of the 1976 Code is amended by adding:

“Section 50‑15‑75. (A) It is unlawful for a person, or a group of individuals traveling in one vehicle, to remove, or attempt to remove from this State more than ten, either in one species or a combination of species, of the named species of turtles at one time with a maximum of twenty turtles of these species, either individually or in combination in any one year: yellowbelly turtle (Trachemys scripta), Florida cooter (Pseudemys floridana), river cooter (Pseudemys concinna), chicken turtle (deirochelys reticularia), eastern box turtle (Terrapene Carolina), eastern painted turtle (Chrysemys picta), spiny softshell turtle (Apalone spinifera), Florida softshell turtle (Apalone ferox), and common snapping turtle (Chelydra serpentine). A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of two hundred dollars. Each turtle removed or in possession of a person attempting to remove them in violation of this section constitutes a separate offense.

(B) The provisions of this section do not prohibit the sale, offer for sale, or purchase of the yellowbelly turtle (Trachemys scripta) species and the common snapping turtle (Chelydra serpentine) species if these turtles were taken from a permitted aquaculture facility. A person selling, offering to sell, or purchasing these species must have documentation from the aquaculture facility as to the origin of the turtles. ”

SECTION 2. This act takes effect upon approval by the Governor.

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