~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 4, 2009

**H. 3137**

Introduced by Reps. Harrison and Battle

S. Printed 2/4/09--H.

Read the first time January 13, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3137) to amend Section 4‑9‑145, as amended, Code of Laws of South Carolina, 1976, relating to litter control officers, so as to provide that an animal control, 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 1 in its entirety and inserting:

/ SECTION 1. Section 4‑9‑145(B) of the 1976 Code, as last amended by Act 109 of 2001, is further amended to read:

“(B)(1) The number of litter or animal control officers vested with custodial arrest authority who are appointed and commissioned pursuant to subsection (A) must not exceed the greater of:

(a) the number of officers appointed and commissioned by the county on July 1, 2001; or

(b) one officer for every twenty‑five thousand persons in the county, based upon the 2000 census. Each county may appoint and commission at least one officer, without regard to the population of the county.

(2)(a) A litter or animal control officer appointed and commissioned pursuant to subsection (A) may exercise the power of arrest with respect to his primary duties of enforcement of litter or animal control laws and ordinances and other state and local laws and ordinances as may arise incidental to the enforcement of his primary duties only if the officer has been certified as a law enforcement officer pursuant to ~~Article 9, Chapter 6,~~ Chapter 23, Title 23.

(b) In the absence of an arrest for a violation of the litter or animal control laws and ordinances, a litter or animal control officer authorized to exercise the power of arrest pursuant to subitem (a) may not stop a person or make an incidental arrest of a person for a violation of other state and local laws and ordinances.

(3) For purposes of this section, the phrase ‘litter or animal control officer’ means a code enforcement officer authorized to enforce litter or animal control laws and ordinances.” /

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTION 4‑9‑145, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LITTER CONTROL OFFICERS, SO AS TO PROVIDE THAT AN ANIMAL CONTROL OFFICER HAS THE SAME POWERS AND DUTIES AS A LITTER CONTROL OFFICER.

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

SECTION 1. Section 4‑9‑145(B) of the 1976 Code, as last amended by Act 109 of 2001, is further amended to read:

“(B)(1) The number of litter or animal control officers vested with custodial arrest authority who are appointed and commissioned pursuant to subsection (A) must not exceed the greater of:

(a) the number of officers appointed and commissioned by the county on July 1, 2001; or

(b) one officer for every twenty‑five thousand persons in the county, based upon the 2000 census. Each county may appoint and commission at least one officer, without regard to the population of the county.

(2)(a) A litter or animal control officer appointed and commissioned pursuant to subsection (A) may exercise the power of arrest with respect to his primary duties of enforcement of litter or animal control laws and ordinances and other state and local laws and ordinances as may arise incidental to the enforcement of his primary duties only if the officer has been certified as a law enforcement officer pursuant to Article 9, Chapter 6, Title 23.

(b) In the absence of an arrest for a violation of the litter or animal control laws and ordinances, a litter or animal control officer authorized to exercise the power of arrest pursuant to subitem (a) may not stop a person or make an incidental arrest of a person for a violation of other state and local laws and ordinances.

(3) For purposes of this section, the phrase ‘litter or animal control officer’ means a code enforcement officer authorized to enforce litter or animal control laws and ordinances.”

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

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