~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 13, 2011

**H. 3687**

Introduced by Reps. J.E. Smith, Bingham and Huggins

S. Printed 4/13/11--H.

Read the first time February 15, 2011.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3687) to amend Section 50‑5‑2310, Code of Laws of South Carolina, 1976, relating to the unlawful exhibit of a marine mammal in this state and providing penalties, 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, page 1, beginning on line 35, by striking subsection (A) of Section 50‑5‑2310, as contained in SECTION 1, and inserting:

/ (A) It is unlawful for a person, which includes a corporation, to display a wild caught or captive‑bred mammal of the order Cetacean (dolphins and whales). /

Renumber sections to conform.

Amend title to conform.

NELSON L. HARDWICK for Committee.

**A** **BILL**

TO AMEND SECTION 50‑5‑2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL EXHIBIT OF A MARINE MAMMAL IN THIS STATE AND PROVIDING PENALTIES FOR VIOLATION, SO AS TO PROHIBIT THE DISPLAY OF A WILD CAUGHT OR CAPTIVE BRED DOLPHIN OR WHALE AND TO REQUIRE THE MARINE MAMMAL STRANDING NETWORK TO ATTEMPT TO REHABILITATE AND TO RELEASE ANY BEACH‑STRANDED WHALE OR DOLPHIN AND TO PROVIDE PENALTIES.

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

SECTION 1. Section 50‑5‑2310 of the 1976 Code is amended to read:

“Section 50‑5‑2310. ~~(A)~~ ~~It is unlawful to exhibit a marine mammal in this State.~~

~~(B)~~ ~~In addition to any other penalty provided in this chapter, a person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars, not more than one thousand dollars per mammal, or imprisoned for not more than thirty days.~~

(A) It is unlawful for a person, which includes a corporation, to display a wild caught or captive‑bred mammal of the order Cetacean (dolphins and whales). An attempt must be made by the South Carolina Marine Mammal Stranding Network, South Carolina Department of Natural Resources, to rehabilitate any living Cetacean that becomes beach stranded. Following rehabilitation the Cetacean must be released into native South Carolina waters within a reasonable time.

(B) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than six months.”

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

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