~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

June 6, 2012

**S. 741**

Introduced by Senator S. Martin

S. Printed 6/6/12--H. [SEC 6/7/12 4:39 PM]

Read the first time April 28, 2011.

**A** **BILL**

TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING PROHIBITIONS AND EXCEPTIONS, TO ALLOW THE USE OF LASER SIGHTING AND OTHER DEVICES WHEN HUNTING COYOTES AT NIGHT DURING MAY AND JUNE PURSUANT TO AUTHORIZATION GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES THROUGH ITS DEPREDATION PERMIT PROGRAM.

Amend Title To Conform

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

SECTION 1. Section 50‑11‑710 of the 1976 Code, as last amended by Act 243 of 2010, is further amended to read:

“Section 50‑11‑710. (A) Night hunting in this State is unlawful except that:

(1) ~~raccoons~~ Raccoons, opossums, foxes, ~~coyotes,~~ mink, and skunk may be hunted at night; however, they may not be hunted with artificial lights except when treed or cornered with dogs, ~~or~~ and may not be hunted with buckshot or any shot larger than a number four, or any rifle ammunition larger than a twenty‑two rimfire~~; and~~ .

(2) Feral hogs may be hunted at night with ~~an artificial light that is carried on the hunter’s person attached to a helmet or hat, or part of a belt system worn by the hunter and with a sidearm that has iron sites, and barrel length not exceeding nine inches with or without the aid of bait, electronic calls, artificial light, or night vison devices:. The sidearm may not be equipped with a butt‑stock, scope, laser site, or light emitting or light enhancing device. However, hogs may not be hunted at night from a vehicle, or with a centerfire rifle or shotgun, unless specifically permitted by the department. A person that violates this item 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~~ or without the aid of bait, electronic calls, artificial light, or night vision devices:

(a) during any time of the year with a bow and arrow other than a crossbow, or pistol having iron sights, a barrel length not exceeding nine inches, and which is not equipped with a butt‑stock, scope, or laser site;

(b) from the last day of February to the first day of July of that same year with any legal firearm, bow and arrow, or crossbow when notice is given to the department pursuant to subsection (D). When hunting at night with a center fire rifle pursuant to this item, a hunter must be at an elevated position at least ten feet from the ground; and

(c) at any time of the year under authority of and pursuant to the conditions contained in a depredation permit issued by the department pursuant to Section 50‑11‑2570.

(3) ~~coyotes~~ Coyotes and armadillos may be hunted at night with ~~an artificial light that is carried on the hunter’s person attached to a helmet or hat, or part of a belt system worn by the hunter. Coyotes and armadillos may be hunted with a rifle or sidearm no larger than .22 caliber rimfire, a shotgun with a shot size no larger than a BB, or a sidearm of any caliber that has iron sites and a barrel length not exceeding nine inches. Any weapon used to hunt coyotes or armadillos may not be equipped with a butt‑stock, scope, laser site, or light emitting or light enhancing device. It is unlawful to have in one’s possession any shot size larger than a BB while legally hunting coyotes and armadillos at night with a shotgun, and coyotes and armadillos may not be hunted at night from a vehicle, unless specifically permitted by the department. A person who violates this item 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.~~ or without the aid of bait, electronic calls, artificial light, or night vision devices:

(a) during any time of the year with a bow and arrow other than a crossbow, a rimfire rifle, a shotgun with shot size no larger than a BB, or a pistol of any caliber having iron sights, a barrel length not exceeding nine inches, and which is not equipped with a butt‑stock, scope, or laser light;

(b) from the last day of February to the first day of July of that same year with any legal firearm, bow and arrow, or crossbow when notice is given to the department pursuant to subsection (D). When hunting at night with a center fire rifle pursuant to this item, a hunter must be at an elevated position at least ten feet from the ground; and

(c) at any time of the year under authority of and pursuant to the conditions contained in a depredation permit issued by the department pursuant to Section 50‑11‑2570.

(B) The provisions contained in subitems (2)(b) and (3)(b) of subsection (A) do not apply to a person who has violated any provision contained in Article 4, Chapter 11, Title 50, except Section 50‑11‑708 and Section 50‑11‑750, during the previous five years.

~~(B)~~(C) For the purposes of this section, ‘night’ means that period of time between one hour after official sundown of a day and one hour before official sunrise of the following day.

(D) For the purposes of this section, ‘notice to the department’ means that the landowner upon which the animals will be taken has either called the department at least forty‑eight hours prior to hunting or registered the property as otherwise prescribed by the department. The notice must include the name of each person participating in the hunt, the hunting license number of each person participating in the hunt, and the location of the hunt. Property must be registered only one time during each season, or annually for year‑round hunts.

~~(C)~~(E) Any person violating the provisions of this section, upon conviction, must be fined for the first offense not more than one thousand dollars, or be imprisoned for not more than one year, or both; for the second offense within two years from the date of conviction for the first offense, not more than two thousand dollars nor less than four hundred dollars, or be imprisoned for not more than one year nor for less than ninety days, or both; for a third or subsequent offense within two years of the date of conviction for the last previous offense, not more than three thousand dollars nor less than five hundred dollars, or be imprisoned for not more than one year nor for less than one hundred twenty days, or both. Any person convicted under this section after more than two years have elapsed since his last conviction must be sentenced as for a first offense.

~~(D)~~(F)(1) A person who violates items (2) and (3) of subsection (A) 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.

(2) In addition to any other penalty, any person convicted for a second or subsequent offense under this section within three years of the date of conviction for a first offense shall have his privilege to hunt in this State suspended for a period of two years. No hunting license may be issued to an individual while his privilege is suspended, and any license mistakenly issued is invalid. The penalty for hunting in this State during the period of suspension, upon conviction, must be imprisonment for not more than one year nor less than ninety days.

~~(E)~~(G) The provisions of this section may not be construed to prevent any owner of property from protecting the property from destruction by wild game as provided by law.

~~(F)~~(H) It is unlawful for a person to use artificial lights at night, except vehicle headlights while traveling in a normal manner on a public road or highway, while in possession of or with immediate access to both ammunition of a type prohibited for use at night by the first paragraph of this section and a weapon capable of firing the ammunition. A violation of this paragraph is punishable as provided by Section 50‑11‑720.”

SECTION 2. Section 50‑11‑740 of the 1976 Code is amended to read:

“Section 50‑11‑740. Every vehicle, boat, trailer, other means of conveyance, animal, and firearm used in the hunting of deer or bear at night, or used in connection with a violation of Section 50‑11‑710, is forfeited to the State and must be confiscated by any peace officer who shall forthwith deliver it to the department.

‘Hunting’ as used in this section in reference to a vehicle, ~~or~~ boat, or other means of conveyance includes the transportation of a hunter to or from the place of hunting or the transportation of the carcass, or any part of the carcass, of a deer, ~~or~~ bear, coyote, armadillo, or feral hog which has been unlawfully killed at night.

For purposes of this section, a conviction for unlawfully hunting deer, ~~or~~ bear, coyote, armadillo, or feral hog at night is conclusive as against any convicted owner of the above‑mentioned property.”

SECTION 3. Section 50‑16‑70 of the 1976 Code, as last amended by Act 211 of 2010, is further amended to read:

Section 50‑16‑70. (A) A person violating the provisions of this chapter, or any condition of a permit issued pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than six months, or both. The department must suspend the hunting privileges of a person convicted of violating this chapter for one year from the date of the conviction.

(B) In addition to any other penalties provided by law, a person convicted of a violation of subsection (A) is also subject to the confiscation, forefeiture, and sale provisions contained in Section 50‑11‑740 for any property, vehicle, trailer, or other means of conveyance utilized to import, possess, or transport the animal.

(C) For the purposes of this section, each animal imported in violation of subsection (A) constitutes a separate offense.

(D) Notwithstanding Chapter 3, Title 22, magistrates court shall have jurisdiction over actions arising under this section. ”

SECTION 4. This act takes effect upon approval by the Governor.

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