**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT FARGO’S AND HYCO’S LAW; TO AMEND ARTICLE 11, TITLE 47, RELATING TO THE TEASING, MALTREATING, AND INJURING OF POLICE DOGS, SO AS TO INCREASE THE PENALTIES ASSOCIATED WITH WILFULLY OR MALICIOUSLY TORTURING, MUTILATING, INJURING, DISABLING, POISONING, OR KILLING A POLICE DOG OR HORSE, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 47‑3‑940, RELATING TO A PERSON WITH RECKLESS DISREGARD TO INJURING, DISABLING, OR CAUSING THE DEATH OF A GUIDE DOG OR SERVICE ANIMAL, SO AS TO INCREASE THE PENALTIES FOR VIOLATIONS; AND TO AMEND SECTION 47‑3‑960, RELATING TO A PERSON INTENTIONALLY INJURING, DISABLING, OR CAUSING THE DEATH OF A GUIDE DOG OR SERVICE ANIMAL, SO AS TO MAKE THIS OFFENSE A FELONY RATHER THAN A MISDEMEANOR AND INCREASE THE PENALTIES FOR VIOLATION.

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

SECTION 1. This act may be cited as “Fargo’s and Hyco’s Law”.

SECTION 2. Article 11, Chapter 3, Title 47 of the 1976 Code, as last amended by Act 259 of 2008, is further amended to read:

“Article 11

Teasing, Maltreating, and Injuring Police Dogs, and Horses Prohibited

Section 47‑3‑610. (A) It is unlawful for a person to wilfully and maliciously taunt, torment, tease, beat, strike, or administer or subject a desensitizing drug, chemical, or substance to a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or agency or when a dog is placed in a kennel off duty or a horse is placed in a stable off duty, or to interfere or meddle with a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or agency.

(B) A person who violates a provision contained in this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars nor more than five thousand dollars or imprisoned not less than thirty days nor more than five years, or both.

Section 47‑3‑620. (A) It is unlawful for a person to wilfully or maliciously torture, mutilate, injure, disable, poison, or kill a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or when a dog is placed in a kennel off duty or a horse is placed in a stable off duty. However, a ~~police~~ law enforcement officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog or horse undue suffering and pain.

(B) A person who violates this provision is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than twenty thousand dollars, or sentenced to a term of imprisonment of not less than two years nor more than ten years, or both. No part of the minimum imprisonment sentence of two years may be suspended and probation for any portion of the minimum imprisonment sentence of two years may not be granted. In addition to any other penalty provided in this section, a person convicted of a violation of this section must pay restitution to the law enforcement department or agency in the amount that would cover the full cost of restoring or replacing an animal that was injured or killed, including all related purchase, training, and veterinary expenses incurred as a result of the incident. In addition to any other penalty imposed upon a person convicted of violating this section, the court also may require a person convicted of a violation of this section to perform one year of animal‑related community service.

Section 47‑3‑630. ~~A person who violates any of the provisions of this article, except for Section 47‑3‑620, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned not less than thirty days nor more than six months, or both. A person who violates the provisions of Section 47‑3‑620 is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than five thousand dollars and imprisoned not less than one year nor more than five years.~~ Reserved”

SECTION 3. Section 47‑3‑940 of the 1976 Code, as added by Act 37 of 2003, is amended to read:

“Section 47‑3‑940. (A) It is unlawful for a person with reckless disregard to injure, disable, or cause the death of a guide dog or service animal.

(B) It is unlawful for a person with reckless disregard to allow his dog to injure, disable, or cause the death of a guide dog or service animal.

(C) A person who violates subsection (A) or (B) is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars nor more than ~~two~~ five thousand ~~five hundred~~ dollars or imprisoned not more than ~~six months~~ five years, or both.”

SECTION 4. Section 47‑3‑960 of the 1976 Code, as added by Act 37 of 2003, is amended to read:

“Section 47‑3‑960. (A) It is unlawful for a person to intentionally injure, disable, or cause the death of a guide dog or service animal, except in the case of self‑defense or humane euthanasia.

(B) A person who violates subsection (A) is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not less than five thousand dollars nor more than ~~five~~ twenty thousand dollars or imprisoned not more than ~~three~~ five years, or both.”

SECTION 5. This act takes effect upon approval by the Governor.

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