**A** **BILL**

TO AMEND SECTION 47-1-40, AS AMENDED, CODES OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ILL-TREATMENT OF ANIMALS AND PENALTIES ASSOCIATED WITH VIOLATING THIS PROVISION, SO AS TO PROVIDE THAT A PERSON CONVICTED OF VIOLATING THIS SECTION MUST UNDERGO A MENTAL HEALTH EVALUATION.

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

SECTION 1. Section 47-1-40 of the 1976 Code, as last amended by Act 251 of 2014, is further amended to read:

“Section 47-1-40. (A) A person who knowingly or intentionally overloads, overdrives, overworks, or ill‑treats an animal, deprives an animal of necessary sustenance or shelter, inflicts unnecessary pain or suffering upon an animal, or by omission or commission knowingly or intentionally causes these acts to be done, is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding ninety days or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, for a first offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a second or subsequent offense.

(B) A person who tortures, torments, needlessly mutilates, cruelly kills, or inflicts excessive or repeated unnecessary pain or suffering upon an animal or by omission or commission causes these acts to be done, is guilty of a felony and, upon conviction, must be punished by imprisonment of not less than one hundred eighty days and not to exceed five years and by a fine of five thousand dollars.

(C) This section does not apply to fowl, accepted animal husbandry practices of farm operations and the training of animals, the practice of veterinary medicine, agricultural practices, forestry and silvacultural practices, wildlife management practices, or activity authorized by Title 50, including an activity authorized by the South Carolina Department of Natural Resources or an exercise designed for training dogs for hunting, if repeated contact with a dog or dogs and another animal does not occur during this training exercise.

(D) A person convicted of violating a provision contained in this section must undergo a mental health evaluation.”

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

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