COMMITTEE AMENDMENT ADOPTED

March 30, 2017

**S. 3**

Introduced by Senators Rankin and Hembree

S. Printed 3/30/17--S.

Read the first time January 10, 2017.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑1‑145, TO ENACT THE “PROVISIONS FOR COST OF ANIMAL CARE ACT OF 2017”, TO PROVIDE THAT THE CUSTODIAN OF AN ANIMAL TAKEN INTO CUSTODY DUE TO CIVIL OR CRIMINAL VIOLATIONS BY ITS OWNER MAY PETITION THE COURT FOR EXPENSES RELATED TO PROVIDING CARE TO THE ANIMAL, TO ESTABLISH PROCEDURES FOR HEARING SUCH PETITIONS AND FOR THE COLLECTION AND USE OF FUNDS ORDERED TO BE PAID, TO PROVIDE THAT A PERSON WHO FAILS TO PAY SUCH FUNDS FORFEITS RIGHTS OF OWNERSHIP TO THE ANIMAL, TO PROVIDE FOR THE DISPOSITION OF SUCH AN ANIMAL, AND TO PROVIDE FOR THE RETURN OF FUNDS WHEN A PERSON IS NOT FOUND TO BE IN VIOLATION.

Amend Title To Conform

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

SECTION 1. This act may be cited as the “Provisions for Cost of Animal Care Act of 2017”.

SECTION 2. Chapter 1, Title 47 of the 1976 Code is amended by adding:

“Section 47‑1‑145. (A) Any person, organization, or other entity that is awarded custody of an animal under the provisions of Section 47‑1‑150, due to the arrest of a defendant for a violation of any provision of Chapter 1, Title 47 or Chapter 27, Title 16, and that provides services to the animal without compensation may file a petition with the court requesting that the defendant, if found guilty, be ordered to deposit funds in an amount sufficient to secure payment of all the reasonable expenses incurred by the custodian in caring for and providing for the animal pending the disposition of the litigation. In the absence of a conviction, the county or municipality making the arrest shall pay the reasonable expenses of the custodian. For purposes of this section, ‘court’ refers to a municipal or magistrate court and ‘reasonable expenses’ includes the cost of providing food, water, shelter, and care, including veterinary medical care, but does not include extraordinary veterinary medical procedures.

(B) The court shall, at the time of adjudication, determine the actual cost of care for the animal the custodian incurred pursuant to subsection (A). Subject to the discretion of the court, either party may request that the trial be given priority over other cases.

(C)(1) If the court makes a final determination of the charges or claims against the defendant in his favor, then the defendant may recover custody of his animal.

(2) If the defendant is found guilty, the custodian of the animal may then determine if the animal is suitable for adoption and if adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant’s household if the defendant was found guilty. If no adoption can be arranged after the forfeiture or if the animal is unsuitable for adoption, the custodian shall humanely euthanize the animal.

(D) Within thirty days of an animal’s impoundment, the animal’s custodian must provide a good faith estimate, pursuant to subsection (A), of the daily custodial cost of the impounded animal. Upon receipt of the good faith estimate, the court shall then issue a notice to the defendant about his impounded animal that includes:

(1) an estimate of the daily custodial costs required to care for the animal;

(2) a statement that the defendant, if found guilty, shall be required to pay for the animal’s care during impoundment, beginning with the date of notification; and

(3) a statement that the defendant, at any time prior to final adjudication, has the right to forfeit ownership of the animal and avoid all future custodial costs, related to the animal’s care, but not costs already accrued.

(E) The remedy provided for in this section is in addition to any other remedy provided by law.”

SECTION 3. This act takes effect upon approval by the Governor.

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