~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 19, 2010

**S. 1296**

Introduced by Senator S. Martin

S. Printed 5/19/10--H.

Read the first time May 4, 2010.

**A** **BILL**

TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING, TO PROVIDE THAT COYOTES MAY BE HUNTED AT NIGHT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES.

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 is amended to read:

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

(1) 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 with buckshot or any shot larger than a number four, or any rifle ammunition of larger than a twenty‑two rimfire; and

(2) 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, 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 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.

(B) 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.

(C) 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) 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) 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) 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. This act takes effect upon approval by the Governor.

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