~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 24, 2010

**S. 932**

Introduced by Senator L. Martin

S. Printed 2/24/10--S.

Read the first time January 12, 2010.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (S. 932) to amend Section 50‑16‑25 of the 1976 Code, relating to the release of pigs for hunting purposes, to provide that it is unlawful to possess, buy, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 50‑16‑25 of the 1976 Code is amended to read:

“Section 50‑16‑25. (A) It is unlawful to possess, buy, sell, offer for sale, transfer, release, or transport for the purpose of release a member of the family Suidae (pig) ~~for hunting purposes~~ into the wild or in an attempt to establish or supplement a free roaming population~~; however, a landowner may capture and release a pig so long as: (1) the pig is captured pursuant to a permit issued without charge by the Department of Natural Resources, and (2) the pig is released on the same tract on which the pig was captured or on an adjoining tract with permission of the owner of the adjoining tract. Under no circumstances may a pig be released in a county other than the county in which the pig was captured~~.

(B) It is unlawful to transport a live pig captured in the wild in this State.”

SECTION 2. 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) 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. 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.

(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 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

RONNIE W. CROMER for Committee.

**A** **BILL**

TO AMEND SECTION 50‑16‑25 OF THE 1976 CODE, RELATING TO THE RELEASE OF PIGS FOR HUNTING PURPOSES, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, BUY, SELL, OFFER FOR SALE, TRANSFER, RELEASE, OR TRANSPORT FOR THE PURPOSE OF RELEASE A MEMBER OF THE SUIDAE FAMILY FOR HUNTING OR TO SUPPLEMENT A FREE ROAMING POPULATION, TO PROVIDE THAT IT IS UNLAWFUL TO REMOVE A LIVE HOG FROM A TRAP OR FROM THE WOODS, FIELDS, OR MARSHES OF THIS STATE, AND TO CLARIFY THAT THIS SECTION DOES NOT APPLY TO ACCEPTED FARMING PRACTICES RELATED TO MEMBERS OF THE SUIDAE FAMILY.

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

SECTION 1. Section 50‑16‑25 of the 1976 Code is amended to read:

“Section 50‑16‑25. (A) It is unlawful to possess, buy, sell, offer for sale, transfer, release, or transport for the purpose of release a member of the family Suidae (pig) into an enclosure or into the wild for hunting purposes or in an attempt to establish or supplement a free roaming population~~; however, a landowner may capture and release a pig so long as: (1) the pig is captured pursuant to a permit issued without charge by the Department of Natural Resources, and (2) the pig is released on the same tract on which the pig was captured or on an adjoining tract with permission of the owner of the adjoining tract. Under no circumstances may a pig be released in a county other than the county in which the pig was captured~~.

(B) It is unlawful to remove a live pig from a trap or from the woods, fields, or marshes of this State.

(C) Nothing in this section applies to accepted farming practices related to members of the family Suidae.”

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

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