~~Indicates Matter Stricken~~

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COMMITTEE AMENDMENT AMENDED AND ADOPTED AND AMENDED

February 25, 2010

**S. 932**

Introduced by Senator L. Martin

S. Printed 2/25/10--S.

Read the first time January 12, 2010.

**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.

Amend Title To Conform

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 the wild ~~for hunting purposes~~ ~~or in an attempt to establish or supplement a free roaming population; however, a~~. A person who holds a valid permit, issued by the Department of Natural Resources, for the taking, transporting and releasing a pig from a free roaming population or his agent ~~landowner~~ may capture and release a free roaming pig so long as: (1) the permit holder has express permission from the landowner to capture and transport free roaming pigs from the tract on which the free roaming pig is to be captured, (2) the free roaming pig is captured, transported, and released pursuant to a permit issued ~~without charge~~ by the Department of Natural Resources, and (~~2~~3) the pig is released on the same tract on which the pig was captured or into a permitted pig enclosure utilized for hunting purposes ~~on an adjoining tract with permission of the owner of the adjoining tract~~. Under no circumstances may a free roaming pig be released in a county other than the county in which the pig was captured.

(B) All free roaming pigs captured pursuant to a permit must be tagged at the point of capture as prescribed by the Department and the tags must remain affixed to the pigs. Pig hunting enclosures must be permitted by the Department at a cost of $50 annually.

(C) It is unlawful to transport a live pig captured in the wild ~~from a trap or from the woods, fields, or marshes of this State.~~ except as permitted by this section.

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. A person that 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 3. Section 50‑16‑70 is amended to read:**

“Section 50-16-70. A person violating the provisions of this chapter, or any condition of a permit issued pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than six months, or both.”

SECTION 4. Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50‑9‑655. (A) For the privilege of taking, transporting and releasing a pig from a free roaming population, a person must obtain an annual pig transport and release permit from the department for fifty dollars.

(B) For the privilege of maintaining a pig hunting enclosure, a pig hunting enclosure owner must obtain an annual pig enclosure permit from the department for fifty dollars.”

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

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