**South Carolina General Assembly**

119th Session, 2011-2012

**H. 5249**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Limehouse and Horne

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Introduced in the House on May 9, 2012

Currently residing in the House Committee on **Judiciary**

Summary: Police dog, guide dog, or service animal

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/9/2012 House Introduced and read first time ([House Journal‑page 31](file:///h:\hj%20archive\2012\05-09-12.docx))

5/9/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 31](file:///h:\hj%20archive\2012\05-09-12.docx))

**VERSIONS OF THIS BILL**

[5/9/2012](file:///p:\pprever\2011-12\5249_20120509.docx)

**A** **BILL**

TO AMEND SECTION 47‑3‑630, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES ASSOCIATED WITH MALTREATING, INJURING, OR KILLING POLICE DOGS AND HORSES, SO AS TO INCREASE THE FINES AND PENALTIES, TO PROVIDE FOR MANDATORY MINIMUM PENALTIES AND CONSECUTIVE SERVICE OF SENTENCES, AND TO ALLOW FOR RESTITUTION; TO AMEND SECTION 47‑3‑940, RELATING TO A PERSON WITH RECKLESS DISREGARD INJURING, DISABLING, OR CAUSING THE DEATH OF A GUIDE DOG OR SERVICE ANIMAL, SO AS TO INCREASE THE PENALTIES FOR VIOLATIONS; AND TO AMEND SECTION 47‑3‑960, RELATING TO A PERSON INTENTIONALLY INJURING, DISABLING, OR CAUSING THE DEATH OF A GUIDE DOG OR SERVICE ANIMAL, SO AS TO INCREASE THE PENALTIES FOR VIOLATION.

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

SECTION 1. Section 47‑3‑630 of the 1976 Code, as last amended by Act 259 of 2008, is further amended to read:

“Section 47‑3‑630. (A) A person who violates any of the provisions of this article, except for Section 47‑3‑620, is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not less than ~~five hundred~~ two thousand dollars nor more than ~~one~~ five thousand dollars or imprisoned not less than thirty days nor more than ~~six months~~ five years, or both. A person who violates the provisions of Section 47‑3‑620 is guilty of a felony and, upon conviction, must be fined not less than ~~two~~ five thousand dollars nor more than ~~five~~ ten thousand dollars and imprisoned not less than ~~one year~~ two years nor more than five years.

(B) A person who is convicted of a violation of this section who committed the offense in conjunction with the commission of another crime shall serve the sentence prescribed by this section consecutively with any other sentence prescribed.

(C) No part of the minimum sentence required pursuant to this section may be suspended nor probation granted.

(D) In addition to fines prescribed in the section, this court, in its discretion, may order a person convicted of a violation of this section to pay restitution to the appropriate law enforcement agency in order to compensate for the loss of the dog or horse and costs associated with retraining or training another dog or horse and for the cost, care, and maintenance of an injured dog or horse if necessary.”

SECTION 2. Section 47‑3‑940 of the 1976 Code, as added by Act 37 of 2003, is amended to read:

“Section 47‑3‑940. (A) It is unlawful for a person with reckless disregard to injure, disable, or cause the death of a guide dog or service animal.

(B) It is unlawful for a person with reckless disregard to allow his dog to injure, disable, or cause the death of a guide dog or service animal.

(C) A person who violates subsection (A) or (B) is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not less than two thousand dollars nor more than ~~two~~ five thousand ~~five hundred~~ dollars or imprisoned not more than ~~six months~~ five years, or both.”

SECTION 3. Section 47‑3‑960 of the 1976 Code, as added by Act 37 of 2003, is amended to read:

“Section 47‑3‑960. (A) It is unlawful for a person to intentionally injure, disable, or cause the death of a guide dog or service animal, except in the case of self‑defense or humane euthanasia.

(B) A person who violates subsection (A) is guilty of a ~~misdemeanor~~ felony and, upon conviction, must be fined not less than five thousand dollars nor more than ~~five~~ ten thousand dollars or imprisoned not less than two years nor more than ~~three~~ five years, or both.”

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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