**A** **BILL**

TO AMEND SECTION 16-27-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICABILITY OF THE ANIMAL FIGHTING AND BAITING ACT, SO AS TO DELETE THE EXEMPTION FOR BEAR-BAYING AND FOX-PEN TRIALS; TO AMEND SECTION 50-11-430, RELATING TO UNLAWFUL ACTS TOWARDS BEARS, SO AS TO PROHIBIT INDIVIDUAL POSSESSION OF CAPTIVE BEARS IN SOUTH CAROLINA OR POSSESSION OF BEARS FOR ANY PURPOSE OTHER THAN FOR AN EDUCATIONAL OR SCIENTIFIC PURPOSE; TO AMEND SECTION 5-11-440, RELATING TO FEEDING OF BEARS, SO AS TO ELIMINATE THE COMMERCIAL OR RECREATIONAL PURPOSES FOR A BEAR PERMIT; AND TO REPEAL ARTICLE 13, CHAPTER 11, TITLE 50, RELATING TO FOX AND COYOTE HUNTING ENCLOSURES.

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

SECTION 1. Section 16-27-80(A) of the 1976 Code is amended to read:

“(A) This chapter does not apply to dogs used for the purpose of hunting, including, but not limited to, hunting on shooting preserves or wildlife management areas authorized pursuant to Title 50, or to dogs used in field trials, including events more commonly known as ‘water races’, ‘treeing contests’, or ‘coon‑on‑a‑log’~~, “bear‑baying”~~, or ~~“fox‑ pen‑trials”. Such “fox‑pen‑trials” must be approved by permit for field trials by the South Carolina Department of Natural Resources~~.”

SECTION 2. Section 50-11-430(D) of the 1976 Code, as last amended by Act 286 of 2010, is amended to read:

“(D) It is unlawful to:

(1) hunt, take, or attempt to take a bear except during the open season;

(2) possess an untagged bear;

(3) take more than one bear per person during all seasons. In Game Zone 1 a registered party dog hunt may take up to five bear per season per party; a person who has taken a bear during the season may participate in a registered party hunt as long as the hunting license shows the bear tag endorsement, but the person may not take another bear;

(4) take or attempt to take a sow bear with cubs;

(5) possess or transport a freshly killed bear or bear part except during the open season for hunting and taking bear. This prohibition does not apply to bear lawfully taken in other jurisdictions. The department may issue a special permit for possession or transportation of a freshly killed bear or bear part outside of the season;

(6) possess a captive bear except pursuant to a permit issued by the department, which is authorized only for educational or scientific purposes and not to an individual. A violation of the terms of the permit may result in revocation or a civil penalty of up to five thousand dollars, or both. An appeal must be made in accordance with the Administrative Procedures Act;

(7) pursue bear with dogs; except during the open season for hunting and taking bear with dogs;

(8) hunt or take bear by the use or aid of bait; or attempt to hunt or take bear by use or aid of bait; hunt or take bear on or over a baited area. As used in this item:

(a) ‘Bait’ means salt or shelled, shucked, or unshucked corn, wheat or other grain, or other foodstuffs that could constitute a lure, attraction, or enticement for bear.

(b) ‘Baiting’ or ‘to bait’ means placing, depositing, exposing, distributing, or scattering bait.

(c) ‘Baited area’ means an area where bait is directly or indirectly placed, exposed, deposited, distributed, or scattered, and the area remains a baited area for ten days following complete removal of all bait. Nothing in this section prohibits the hunting and taking of bear on or over lands or areas that are not otherwise baited and where:

(i) there are standing crops on the field where grown, including crops grown for wildlife management purposes; or

(ii) shelled, shucked, or unshucked corn, wheat or other grain, or seeds that have been distributed or scattered solely as the result of a normal agricultural practice as prescribed by the Clemson University Extension Service or its successor;

(9) buy, sell, barter, or exchange or attempt to buy, sell, barter, or exchange a bear or bear part;

(10) take or attempt to take a bear from a watercraft or other water conveyance or molest, take, or attempt to take a bear while the bear is swimming in a lake or river.”

SECTION 3. Section 5-11-440(A) of the 1976 Code is amended to read:

“(A) It shall be unlawful for any person to feed or entice with food any black bear (Ursus americanus) except as follows:

(1) those persons feeding bears maintained in protective captivity under a permit issued by the department for ~~education,~~ educational or scientific~~, commercial, or recreational~~ purposes;

(2) department personnel;

(3) persons licensed or otherwise authorized by the department; or

(4) county or municipal animal personnel when relocating bears by baiting or enticement.

(B) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined in an amount not to exceed five hundred dollars or imprisoned for not more than thirty days.”

SECTION 4. Article 13, Chapter 11, Title 50 of the 1976 Code is repealed.

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

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