~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

June 5, 2012

**H. 4943**

Introduced by Reps. Lowe, Crawford, Erickson, Patrick, Brannon, Ott, Bowers, G.A. Brown, Clemmons, Cole, Frye, Merrill, Pitts, Spires, Tallon, White, Knight and G.M. Smith

S. Printed 6/5/12--S.

Read the first time April 25, 2012.

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

To whom was referred a Bill (H. 4943) to amend the Code of Laws of South Carolina, 1976, by adding Section 50‑11‑715 so as to provide for the hunting of coyotes, armadillos, 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. Article 4, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑715. (A) For the purposes of this section, ‘notice to the department’ means that the landowner upon which the animals will be taken has either called the department at least forty eight hours prior to hunting or registering the property as otherwise prescribed by the department. The notice must include the name of each person participating in the hunt, the hunting license of each person participating in the hunt, and the location of the hunt. Property must only be registered one time during each season, or annually for hunts conducted pursuant to subsection (B)(1)(b).

(B)(1)(a) Notwithstanding another provision of law, on private property, a landowner, or his lessee or agent, with written permission, a valid hunting license, the landowner’s contact information in his possession, and upon providing notice to the department may take coyotes, armadillos, and feral hogs during the nighttime hours from one hour after official sunset on the last day of February to one hour before official sunrise the first day of July of that same year.

(b) A landowner, or his lessee or agent, with written permission, a valid hunting license, the landowner’s contact information in his possession, and providing notice to the department may take armadillos during the nighttime hours from one hour after official sunset all year if using a rim fire rifle.

(2) The method of such taking shall be with any legal firearm or archery device and may be with or without the aid of bait, electronic calls, artificial light, infrared, thermal or laser sighting devices, night vision devices, or any device aiding the identification or targeting of species. When hunting with a center fire rifle an individual must be at an elevated position at least ten feet from the ground when hunting between the hours of one hour after sunset until one hour before sunrise.

(C) The provisions contained in this section do not apply if a person who has violated any provision contained in Article 4, Chapter 11, Title 50, except Section 50-11-708 and Section 50-11-750, during the previous five years.”

SECTION 2. The first three paragraphs of Section 50-11-740 of the 1976 Code are amended to read:

“Section 50-11-740.Every vehicle, boat, trailer, other means of conveyance, animal, and firearm used in the hunting of deer or bear at night, or used in connection with a violation of Section 50‑11‑710, is forfeited to the State and must be confiscated by any peace officer who shall forthwith deliver it to the department.

“Hunting” as used in this section in reference to a vehicle, ~~or~~ boat, or other means of conveyance includes the transportation of a hunter to or from the place of hunting or the transportation of the carcass, or any part of the carcass, of a deer, ~~or~~ bear, coyote, armadillo, or feral hog which has been unlawfully killed at night.

For purposes of this section, a conviction for unlawfully hunting deer, ~~or~~ bear, coyote, armadillo, or feral hog at night is conclusive as against any convicted owner of the above‑mentioned property.

SECTION 3. Section 50-16-70 of the 1976 Code is amended to read:

Section 50-16-70.(A) 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. The department must suspend the hunting privileges of a person convicted of violating this chapter for one year from the date of the conviction.

(B) In addition to any other penalties provided by law, a person convicted of a violation of subsection (A) is also subject to the confiscation, forefeiture, and sale provisions contained in Section 50-11-740 for any property, vehicle, trailer, or other means of conveyance utilized to import, possess, or transport the animal.

(C) For the purposes of this section, each animal imported in violation of subsection (A) constitutes a separate offense.

(D) Notwithstanding Chapter 3, Title 22, magistrates court shall have jurisdiction over actions arising under this section.

SECTION 4. 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 THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑715 SO AS TO PROVIDE FOR THE HUNTING OF COYOTES, ARMADILLOS, AND FERAL HOGS ON PRIVATE PROPERTY DURING NIGHTTIME HOURS.

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

SECTION 1. Article 4, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑715. Notwithstanding another provision of law, on private property, the landowner, or his lessee or agent with written permission, a valid hunting license, and the landowner’s contact information in his possession, may take coyotes, armadillos, and feral hogs during the nighttime hours from one hour after official sunset on the last day of February to one hour before official sunrise the first day of July of that same year. The method of such taking shall be with any legal firearm or arrow shooting device and may be with or without the aid of bait, electronic calls, artificial light, infrared, thermal or laser sighting devices, night vision devices, or any device aiding the identification or targeting of species. All center fire rifles must be fired from an elevated position at least ten feet from the ground when hunting between the hours of one hour after sunset until one hour before sunrise.”

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

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