**South Carolina General Assembly**

120th Session, 2013-2014

**A62, R75, S8**

**STATUS INFORMATION**

General Bill

Sponsors: Senator L. Martin

Document Path: l:\s-jud\bills\l. martin\jud0011.rem.docx

Companion/Similar bill(s): 3527, 3570

Introduced in the Senate on January 8, 2013

Introduced in the House on May 2, 2013

Last Amended on June 5, 2013

Passed by the General Assembly on June 6, 2013

Governor's Action: June 12, 2013, Signed

Summary: Patrol Canine teams

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2012 Senate Prefiled

12/13/2012 Senate Referred to Committee on **Agriculture and Natural Resources**

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 29](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/8/2013 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 29](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/23/2013 Senate Recalled from Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 5](file:///h:\SJ%20Archive\2013\01-23-13.docx))

1/23/2013 Senate Committed to Committee on **Judiciary** ([Senate Journal‑page 5](file:///h:\SJ%20Archive\2013\01-23-13.docx))

1/28/2013 Senate Referred to Subcommittee: Hutto (ch), Corbin, Young

4/10/2013 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 17](file:///h:\SJ%20Archive\2013\04-10-13.docx))

4/16/2013 Senate Committee Amendment Adopted ([Senate Journal‑page 27](file:///h:\SJ%20Archive\2013\04-16-13.docx))

4/30/2013 Senate Amended ([Senate Journal‑page 29](file:///h:\SJ%20Archive\2013\04-30-13.docx))

4/30/2013 Senate Read second time ([Senate Journal‑page 29](file:///h:\SJ%20Archive\2013\04-30-13.docx))

4/30/2013 Senate Roll call Ayes‑27 Nays‑16 ([Senate Journal‑page 29](file:///h:\SJ%20Archive\2013\04-30-13.docx))

5/1/2013 Scrivener's error corrected

5/1/2013 Senate Read third time and sent to House ([Senate Journal‑page 68](file:///h:\SJ%20Archive\2013\05-01-13.docx))

5/2/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 16](file:///h:\HJ%20Archive\2013\05-02-13.docx))

5/30/2013 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 7](file:///h:\HJ%20Archive\2013\05-30-13.docx))

6/4/2013 House Requests for debate‑Rep(s). Tallon, Quinn, JR Smith, Bannister, Hixon, Wells, Pope, Bedingfield, GR Smith, Loftis, Hardwick, Kennedy, Spires, Hardee, DC Moss, Cole, Hiott, Norman, Hosey, Clyburn, Anderson, RL Brown, VS Moss, King, Powers‑Norrell, Cobb‑Hunter, Hart, Sellers, KR Crawford, Sabb, Patrick ([House Journal‑page 16](file:///h:\HJ%20Archive\2013\06-04-13.docx))

6/5/2013 House Requests for debate removed‑Rep(s). Hiott, Tallon, JR Smith, Hixon, Wells, Norman, Hardee, Spires, Hardwick, VS Moss, Loftis, Patrick, Cole, Hosey, Kennedy, Anderson, Quinn, GR Smith, Powers‑Norrell, Bannister, Clyburn, Cobb‑Hunter, Sellers, DC Moss, Pope, Bedingfield, Sabb, RL Brown ([House Journal‑page 122](file:///h:\HJ%20Archive\2013\06-05-13.docx))

6/5/2013 House Amended ([House Journal‑page 134](file:///h:\HJ%20Archive\2013\06-05-13.docx))

6/5/2013 House Read second time ([House Journal‑page 134](file:///h:\HJ%20Archive\2013\06-05-13.docx))

6/5/2013 House Roll call Yeas‑102 Nays‑4 ([House Journal‑page 136](file:///h:\HJ%20Archive\2013\06-05-13.docx))

6/6/2013 House Read third time and returned to Senate with amendments ([House Journal‑page 16](file:///h:\HJ%20Archive\2013\06-06-13.docx))

6/6/2013 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 75](file:///h:\SJ%20Archive\2013\06-06-13.docx))

6/6/2013 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 75](file:///h:\SJ%20Archive\2013\06-06-13.docx))

6/11/2013 Ratified R 75

6/12/2013 Signed By Governor

6/20/2013 Effective date 06/12/13

6/24/2013 Act No. 62

**VERSIONS OF THIS BILL**

[12/13/2012](file:///p:\pprever\2013-14\8_20121213.docx)

[4/10/2013](file:///p:\pprever\2013-14\8_20130410.docx)

[4/16/2013](file:///p:\pprever\2013-14\8_20130416.docx)

[4/30/2013](file:///p:\pprever\2013-14\8_20130430.docx)

[5/1/2013](file:///p:\pprever\2013-14\8_20130501.docx)

[5/30/2013](file:///p:\pprever\2013-14\8_20130530.docx)

[6/5/2013](file:///p:\pprever\2013-14\8_20130605.docx)

(A62, R75, S8)

**AN ACT TO AMEND SECTION 47-3-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIABILITY OF AN OWNER OR KEEPER OF A DOG FOR A DOG ATTACK, SO AS TO PROVIDE THAT LIABILITY DOES NOT EXTEND TO A DOG WHO WAS PROVOKED OR HARASSED BY THE PERSON ATTACKED OR TO TRAINED LAW ENFORCEMENT DOGS UNDER CERTAIN DELINEATED CIRCUMSTANCES; AND BY ADDING SECTION 23‑23‑140 SO AS TO DEFINE THE TERM “PATROL CANINE TEAMS” AND PROVIDE CERTIFICATION REQUIREMENTS FOR THE TEAMS.**

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

**Liability for attacks by dogs, provoked attacks, trained law enforcement dogs**

SECTION 1. Section 47‑3‑110 of the 1976 Code is amended to read:

“Section 47‑3‑110. (A) If a person is bitten or otherwise attacked by a dog while the person is in a public place or is lawfully in a private place, including the property of the dog owner or person having the dog in the person’s care or keeping, the dog owner or person having the dog in the person’s care or keeping is liable for the damages suffered by the person bitten or otherwise attacked. For the purposes of this section, a person bitten or otherwise attacked is lawfully in a private place, including the property of the dog owner or person having the dog in the person’s care or keeping, when the person bitten or otherwise attacked is on the property in the performance of a duty imposed upon the person by the laws of this State, the ordinances of a political subdivision of this State, the laws of the United States of America including, but not limited to, postal regulations, or when the person bitten or otherwise attacked is on the property upon the invitation, express or implied, of the property owner or a lawful tenant or resident of the property.

(B) This section does not apply if, at the time the person is bitten or otherwise attacked:

(1) the person who was attacked provoked or harassed the dog and that provocation was the proximate cause of the attack; or

(2) the dog was working in a law enforcement capacity with a governmental agency and in the performance of the dog’s official duties provided that:

(a) the dog’s attack is in direct and complete compliance with the lawful command of a duly certified canine officer;

(b) the dog is trained and certified according to the standards adopted by the South Carolina Law Enforcement Training Council;

(c) the governmental agency has adopted a written policy on the necessary and appropriate use of dogs in the dog’s official law enforcement duties;

(d) the actions of the dog’s handler or dog do not violate the agency’s written policy;

(e) the actions of the dog’s handler or dog do not constitute excessive force; and

(f) the attack or bite does not occur on a third party bystander.”

**Patrol canine teams, certification**

SECTION 2. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23‑23‑140. (A) For purposes of this section, ‘patrol canine teams’ refers to a certified officer and a specific patrol canine controlled by the handler working together in the performance of law enforcement or correctional duties. ‘Patrol canine teams’ does not refer to canines used exclusively for tracking or specific detection.

(B) The South Carolina Criminal Justice Academy shall verify that patrol canine teams have been certified by a nationally recognized police dog association or similar organization.

(C) No law enforcement agency may utilize patrol canine teams after July 1, 2014, unless the patrol canine teams have met all certification requirements.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 11th day of June, 2013.

Approved the 12th day of June, 2013.

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