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Indicates New Matter

AMENDED

May 14, 2014

**S. 986**

Introduced by Senator Campsen

S. Printed 5/14/14--H.

Read the first time March 12, 2014.

**A** **BILL**

TO AMEND SECTION 50‑1‑90 OF THE 1976 CODE, RELATING TO HUNTING, FISHING, OR TRAPPING WITHOUT CONSENT ON THE LAND OF OTHERS, TO INCREASE THE PENALTIES FOR THESE OFFENSES.

Amend Title To Conform

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

SECTION 1. Section 50‑1‑90 of the 1976 Code is amended to read:

“Section 50‑1‑90. If any person, at any time whatsoever, shall hunt or range on any lands or shall enter thereon, for the purpose of hunting, fishing, or trapping, without the consent of the owner or manager thereof, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall, for a first offense, be fined not more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days, for a second offense, be fined not less than ~~one~~ five hundred dollars nor more than ~~two hundred~~ one thousand dollars or imprisoned for not more than thirty days and, for a third or subsequent offense, be fined not less than ~~five hundred~~ one thousand dollars nor more than ~~one~~ two thousand five hundred dollars or imprisoned for not more than six months or both. The magistrates court has concurrent jurisdiction to hear first and second offenses under this section. A first or second offense prosecution resulting in a conviction shall be reported by the magistrate or city recorder hearing the case to the communications and records division of the South Carolina Law Enforcement Division which shall keep a record of such conviction so that any law enforcement agency may inquire into whether or not a defendant has a prior record. Only those offenses which occurred within a period of ten years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this section.”

SECTION 2. Section 50‑9‑1120 of the 1976 Code is amended to read:

“Section 50‑9‑1120. There is established the following point system for violations of certain provisions of law:

(1) Common violations:

(a) resisting arrest by the use of force, violence, or weapons against an employee of the department while engaged in his duties, a law enforcement officer aiding in the work of the department, or a federally commissioned employee engaged in like or similar employment: 18;

(b) attempting escape after lawful arrest: 14;

(c) hunting or fishing in a state sanctuary at any time: 14;

(d) hunting, fishing, or trapping out of season, except in a state sanctuary: 10;

(e) selling game or game fish: 14;

(f) taking game or fish in an illegal manner not mentioned specifically elsewhere in this section. However, no points may be assessed pursuant to this subitem for fish taken on the seaward side of the saltwater‑freshwater dividing lines as provided in Section 50‑17‑30: 8;

(g) using a borrowed or altered hunting or fishing license: 10;

(h) taking more than the legal limit of game or fish: 8;

(i) hunting or fishing without a license in possession: 6;

(j) trespassing to hunt, fish, or trap: ~~10~~14;

(k) violating game management area regulations: 8;

(l) hunting, taking, possessing, or selling alligators in violation of law or department regulations: 14.

(2) Hunting violations:

(a) killing or attempting to kill or molest deer from a motorboat: 14;

(b) night hunting deer or bear: 18;

(c) illegally transporting furs or hides and possessing untagged hides: 10;

(d) trapping quail or wild turkeys: 10;

(e) hunting over bait: 8;

(f) killing or possessing antlerless deer, except as expressly provided by law: 14;

(g) illegally night hunting other game, except deer, or hunting game in prohibited hours: 8;

(h) possessing buckshot illegally: 5;

(i) possessing unplugged gun while hunting, violation of Section 50‑11‑10: 4;

1. killing or possessing a wild turkey during the closed season: 18;

2. killing or possessing a wild turkey hen during the spring gobbler season: 14;

(j) roost shooting wild turkeys between official sunset and official sunrise: 18;

(k) shooting wild turkeys over bait: 18;

(l) hunting wild turkeys over bait: 10;

(m) trespassing to hunt waterfowl: 18;

(n) hunting waterfowl over bait: 10;

(o) shooting waterfowl over bait: 10;

(p) hunting waterfowl out of posted season: 15;

(q) taking more than one waterfowl over the legal limit: 15;

(r) illegally possessing, taking, or attempting to take raccoons during the season for hunting without weapons: 14.

(3) Fishing violations:

(a) trapping, netting, or seining game fish illegally: 10;

(b) taking or possessing more than the legal limit of striped bass: 14;

(c) taking or possessing an undersized striped bass: 14.”

SECTION 3. Title 15 of the 1976 Code is amended by adding:

“CHAPTER 82

Limitation on Liability of Land Possessors to Trespassers

Trespasser Responsibility Act

Section 15‑82‑10. (A) As used in this section, the terms:

(1) ‘Possessor of land’ means the possessor of any fee, reversionary, or easement interest in real property, including an owner, lessee, or other lawful occupant;

(2) ‘Trespasser’ means a person who enters or remains on the land of another without permission or without legal privilege.

(B) A possessor of land owes no duty to a trespasser except to refrain from causing a wilful or wanton injury.

(C) Notwithstanding subsection (B), a possessor of land is subject to liability for physical harm to children trespassing thereon caused by an artificial condition upon the land if:

(1) the place where the condition exists is one upon which the possessor knows or has reason to know that children are likely to trespass;

(2) the condition is one of which the possessor knows or has reason to know and which he realizes or should realize will involve an unreasonable risk of death or serious bodily harm to such children;

(3) the children because of their youth do not discover the condition or realize the risk involved in intermeddling with it or in coming within the area made dangerous by it;

(4) the utility to the possessor of maintaining the condition and the burden of eliminating the danger are slight as compared with the risk to children involved; and

(5) the possessor fails to exercise reasonable care to eliminate the danger or otherwise to protect the children.

(D) This chapter does not affect any immunities from or defenses to civil liability established by another section of the South Carolina Code of Laws or available at common law to which a possessor of land may be entitled.”

SECTION 4. This act takes effect upon approval by the Governor.

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