**A** **BILL**

TO AMEND CHAPTER 13, TITLE 50 OF THE 1976 CODE, RELATING TO THE SALE AND TRAFFICKING IN FISH, TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON, EXCEPT A COMMERCIAL FISHERMAN OR A PERSON WHO HARVESTS FISH IN ANY CAPACITY WITH THE INTENT OF GAINING MONETARY BENEFITS THROUGH SALE, BARTER, OR TRADE OF FINS AS A BYPRODUCT OF THE CAPTURE OF ANY CARTILAGINOUS FISH, TO POSSESS, SELL, OFFER FOR SALE, IMPORT, BRING, OR CAUSE TO BE BROUGHT OR IMPORTED INTO THIS STATE FINS OF CARTILAGINOUS FISH FOR RETAIL PURPOSES, TO PROVIDE THAT A COMMERCIAL FISHERMAN OR A PERSON WHO HARVESTS FISH IN ANY CAPACITY WITH THE INTENT OF GAINING MONETARY BENEFITS THROUGH SALE, BARTER, OR TRADE OF FINS AS A BYPRODUCT OF THE CAPTURE OF ANY CARTILAGINOUS FISH MAY SELL OR OFFER FOR SALE FINS ONLY AFTER THE INITIAL DETACHMENT, TO PROVIDE THAT NO PERSON SHALL INTENTIONALLY, KNOWINGLY, RECKLESSLY, OR WITH CRIMINAL NEGLIGENCE FAIL TO SALVAGE FOR BAIT OR HUMAN CONSUMPTION MORE THAN FIFTY PERCENT OF THE EDIBLE MEAT OF ANY CARTILAGINOUS FISH, TO PROVIDE THAT NO PERSON SHALL INTENTIONALLY, KNOWINGLY, RECKLESSLY, OR WITH CRIMINAL NEGLIGENCE FAIL TO SALVAGE FOR BAIT OR HUMAN CONSUMPTION ALL SKELETAL MUSCULAR TISSUE OF A CARTILAGINOUS FISH; TO AMEND CHAPTER 5, TITLE 50 OF THE 1976 CODE, RELATING TO CATCH LIMITS, TO PROVIDE THAT IT IS UNLAWFUL TO TAKE OR POSSESS A GREAT HAMMERHEAD SHARK, A SMOOTH HAMMERHEAD SHARK, A SCALLOPED HAMMERHEAD SHARK, OR A CAROLINA HAMMERHEAD SHARK, TO PROVIDE PENALTIES AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Article 11, Chapter 13, Title 50 of the 1976 Code is amended by adding:

“Section 50‑13‑1640. For the purposes of this section:

(1) ‘Person’ means an individual, commercial fisherman, firm, corporation, association, partnership, club, private body, or other entity.

(2) ‘Cartilaginous fish’ refers to all members of the subclass Elasmobranchii, including, but not limited to, sharks, skates, stingrays, and their products, eggs, or by‑products not intended for human consumption.

(3) ‘Skeletal muscular tissue’ means all muscle not including cardiac muscle, found on the heart, or smooth muscle, found on the organs.

(4) ‘Pre‑Caudal region’ refers to the area directly before the tail, or caudal fin, of the cartilaginous fish.

Section 50‑13‑1641. (A) It is unlawful for any person, except for those persons described in subsection (B), to possess, sell, offer for sale, import, bring, or cause to be brought or imported into this State for retail purposes fins of cartilaginous fish, including, but not limited to, dorsal fins, pectoral fins, anal fins, pelvic fins, and caudal fins This includes fins in all stages of preparation, from immediately after initial detachment to readiness for human consumption.

(B) Commercial fishermen or a person who harvests fish in any capacity with the intent of gaining monetary benefits through sales, barter, or trade of fins as a byproduct of the capture of any cartilaginous fish may sell or offer for sale fins only after the initial detachment.

(C) No person shall intentionally, knowingly, recklessly, or with criminal negligence fail to salvage for bait or human consumption more than fifty percent of the edible meat of any cartilaginous fish.

(D) A person violating this section is guilty of a misdemeanor and, upon conviction, must be:

(1) for a first offense, fined not more than five hundred dollars or imprisoned for not more than thirty days, or both;

(2) for a second offense within five years of the first offense, fined not less than three hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days, or both;

(3) for any offense within five years of a second offense, fined not more than one thousand dollars or imprisoned for not less than thirty days, or both.

Section 50‑13‑1642. (A) No person shall intentionally, knowingly, recklessly, or with criminal negligence fail to salvage for bait or human consumption all skeletal muscular tissue of a cartilaginous fish, originating from the posterior side of the last gill slit to the pre‑caudal region, which would be reasonably expected to be harvested from a filet.

(B) Any person violating this section is guilty of a misdemeanor and, upon conviction, must be:

(1) for a first offense, fined not more than five hundred dollars or imprisoned for not more than thirty days, or both;

(2) for a second offense within five years of the first offense, fined not less than three hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days, or both;

(3) for any offense within five years of a second offense, fined not more than one thousand dollars or imprisoned for not less than thirty days, or both.”

SECTION 2. Section 50‑5‑1705 of the 1976 Code is amended by adding:

(O) It is unlawful to take or possess a great hammerhead shark (Sphyrna mokarran), a smooth hammerhead shark (Sphyrna zygaena), a scalloped hammerhead (Sphyrna lewini), or a Carolina hammerhead shark (Sphyrna gilberti). Any of the aforementioned species caught must be released immediately and must remain completely in the water at all times while being released. No person shall be permitted to take any photograph with the animal.

(P) A person violating this section is guilty of a misdemeanor and, upon conviction, must be:

(1) for a first offense, fined not more than five hundred dollars or imprisoned for not more than thirty days, or both;

(2) for a second offense within five years of the first offense, fined not less than three hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days, or both;

(3) for any offense within five years of a second offense, fined not more than one thousand dollars or imprisoned for not less than thirty days, or both."

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

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