**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑1‑205 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO CONFINE AN ANIMAL IN A MOTOR VEHICLE THAT PLACES THE ANIMAL IN CERTAIN LIFE THREATENING OR EXTREME HEALTH THREATENING SITUATIONS, TO PROVIDE THAT AN ANIMAL CONTROL OFFICER, LAW ENFORCEMENT OFFICER, OR FIREFIGHTER MAY ENTER AND REMOVE AN ANIMAL FROM A MOTOR VEHICLE THAT IS EXPERIENCING A LIFE THREATENING OR EXTREME HEALTH THREATENING SITUATION, TO PROVIDE A PROCEDURE WHEREBY THE OWNER MAY RETRIEVE HIS ANIMAL, TO PROVIDE THAT A PERSON WHO REMOVES AN ANIMAL PURSUANT TO THIS SECTION IS IMMUNE FROM CRIMINAL AND CIVIL LIABILITY, AND TO PROVIDE A PENALTY.

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

SECTION 1. Chapter 1, Title 47 of the 1976 Code is amended by adding:

“Section 47‑1‑205. (A) An owner or person shall not confine any animal in a motor vehicle which is done in a manner that places the animal in a life threatening or extreme health threatening situation by exposing it to a prolonged period of extreme heat or cold without proper ventilation or protection from heat or cold.

(B) In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or firefighter who has probable cause to believe that subsection (A) is being violated shall have the authority to:

(1) enter a motor vehicle by any reasonable means necessary under the circumstances, after making a reasonable effort to locate the owner or other responsible person; and

(2) take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal’s health, safety, or wellbeing appears to be in immediate danger from heat, cold, or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.

(C) Nothing in this section shall prevent an animal control officer, law enforcement officer, or firefighter from removing an animal from a motor vehicle if the animal’s safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. An animal control officer, law enforcement officer, or firefighter may enter a motor vehicle for the sole purpose of rescue or release of the animal and may not search a vehicle unless otherwise permitted by law.

(D) An animal control officer, law enforcement officer, or firefighter who removes an animal in accordance with this section shall leave in a secure and conspicuous location, on or within the motor vehicle, written notice bearing the officer’s or firefighter’s name and the office and address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

(E) An animal control officer, law enforcement officer, or firefighter who removes an animal from a motor vehicle pursuant to this section is immune from criminal or civil liability that might otherwise result from the removal.

(F) Any person who knowingly violates this section must be imprisoned not more than one year, or fined not more than one thousand dollars, or both.”

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

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