**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑320 SO AS TO DEFINE THE TERM “HUNTING DEER WITH A DOG”, TO PROVIDE THAT A PERSON HUNTING DEER WITH A DOG MUST CAUSE THE DOG TO BE IDENTIFIED WITH A COLLAR, TO PROVIDE THE PROCEDURE WHEREBY A LOST DOG IS RETURNED TO ITS OWNER, TO PROVIDE THAT THE OWNER OF A DOG THAT TRESPASSES ON ANOTHER PERSON’S PROPERTY IS LIABLE FOR CIVIL DAMAGES, TO PROVIDE THAT IT IS UNLAWFUL TO STEAL, HARM, OR KILL A DOG IN PURSUIT OF A DEER THAT HAS IDENTIFIABLE OWNER INFORMATION OR REMOVE OR DESTROY ANY MEANS OF IDENTIFYING OR TRACKING THE DOG; TO PROVIDE THAT HUNTING DEER WITH A DOG IS UNLAWFUL ON A TRACT OF LAND THAT CONTAINS LESS THAN ONE THOUSAND ACRES UNLESS THE TRACT OF LAND IS ENCLOSED BY A FENCE; AND TO PROVIDE VARIOUS PENALTIES.

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

SECTION 1. Article 3, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑320. (A) For purposes of this section, ‘hunting deer with a dog’ includes:

(1) the act of releasing or in any other way causing a dog to attempt to pursue or be in pursuit of deer;

(2) taking or attempting to take deer by aid of a dog; or

(3) participating in the pursuit of deer with a dog.

(B) A person must be considered hunting deer with a dog until the dog owner or his agent regains physical possession and control of the dog.

(C) Any person hunting deer with a dog must cause the dog to be identified with a collar bearing the dog owner’s name and telephone number. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than two-hundred dollars nor more than five-hundred dollars, or imprisoned for not more than thirty days.

(D) Any dog in pursuit of deer on property for which the dog’s owner does not have permission to hunt that is found without a collar or without the name and telephone number of the owner on the collar may be considered to be ‘running at large’ and may be impounded under Section 47‑3‑40 at the request of the property owner.

(E) Any dog with identifiable owner information that is in pursuit of a deer is not considered to be ‘running at large’, and if restrained must be treated humanely. Its owner must be notified within twenty‑four hours. If the owner of the dog cannot be notified, local authorities must be notified within the same twenty‑four hour period. Any dog with identifiable owner information must be surrendered to the owner or his agent. In order to reclaim the dog the owner or his agent must:

(1) acknowledge ownership of the dog;

(2) pay the person restraining the dog fifty dollars; and

(3) furnish to the person restraining the dog the owner’s name and address, and identify the property from which the dog originated.

A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not less than two-hundred dollars nor more than five-hundred dollars, or imprisoned for not more than thirty days.

(F) The owner of a dog in pursuit of a deer that enters onto property for which the dog’s owner does not have permission to hunt is subject to civil action by the owner of the property onto which the dog has entered. Damages for the first occurrence is one hundred dollars. For subsequence occurrences within three months by the same owner’s dog or dogs, damages are two‑hundred dollars per occurrence to a maximum of one‑thousand dollars. These actions are nonjury matters and the magistrates court has concurrent jurisdiction with the circuit court.

(G) For five or more occurrences on the same day or more than five occurrences involving the same dog owner within three months, the activity is a public nuisance and the landowner may enjoin the activity and have a cause of action against the dogs, their owners, and the owner of land on which the dogs originated. Liability is established by proof of an intrusion by the dogs. Damages are equal to one-fifth of the current assessed value of the landowner’s entire property.

(H) The prevailing party in any action brought pursuant to this section is entitled to the costs of the action and attorney’s fees.

(I) It is unlawful to steal, harm, or kill a dog in pursuit of deer that has identifiable owner information or to remove or destroy any means of identification or tracking device from a dog. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than ten thousand dollars, or imprisoned for not less than thirty days nor more than six months, or both per offense. In addition, each person convicted of a violation of this subsection shall pay restitution to the legal owner of the dog as determined by the court.

(J) Notwithstanding another provision of law, hunting deer with a dog is unlawful on a tract of land that contains less than one thousand contiguous acres unless the property is enclosed by a fence capable of enclosing dogs used for deer hunting. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars.”

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

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