



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	S. 0841	Introduced on January 9, 2018
Author:	Agriculture and Natural Resources Committee	
Subject:	Animal Cruelty and Care	
Requestor:	Senate	
RFA Analyst(s):	Gardner	
Impact Date:	January 23, 2018	

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	Pending	\$0
Other and Federal	Pending	\$0
Full-Time Equivalent Position(s)	Pending	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	Pending	\$0
Local Revenue	Pending	\$0

Fiscal Impact Summary

The expenditure and revenue impacts of this bill are pending, contingent upon responses from the surveyed agencies and local governments.

Explanation of Fiscal Impact

Introduced on January 9, 2018

State Expenditure

This bill, related to animal cruelty, modifies the definition of “shelter” to specify that it be a covered structure and adds a provision that, as part of their mandatory continuing legal education requirements, magistrates must receive two hours of continuing education in the area of animal cruelty every four years.

The bill also adds provisions related to the tethering of dogs to require that dogs have access to adequate food and water and to make it unlawful for a person to tether a dog using a choke or prong collar or to tether a dog younger than six months of age, with some exceptions. Persons convicted of using a choke or prong collar to tether a dog or tethering a dog younger than six months of age are guilty of a misdemeanor and are subject to a fine of \$50 for a first offense and not more than \$100 for a subsequent offense. The bill also provides that a person convicted of a first offense of cruelly tethering a dog is guilty of a misdemeanor and subject to a penalty of not less than \$100 nor more than \$1,000, or imprisonment not to exceed 90 days, or both. For second and subsequent offenses, the penalty is increased to a fine not to exceed \$2,000, or imprisonment not to exceed two years, or both. A person convicted of a second or subsequent offense is guilty

of a felony subject to a penalty not to exceed \$2,000, or imprisonment not to exceed two years, or both.

Additionally, the bill adds new definitions related to regulations by counties and municipalities for dogs and other domestic pets. It also allows a person to turn over a litter of unidentifiable dogs or cats four months of age or younger to any organization established for the purpose of caring for animals. Healthy, unidentifiable cats may be picked up and delivered to an animal care facility and sterilized within 24 hours. After surgery and once sufficiently recovered, the animal may be returned to the area in which it was found. Community cats will be eligible for trap-neuter-return or community cat programs.

The bill creates a new provision related to compensation for services rendered to an animal by a person who is awarded custody of the animal due to the owner's arrest for animal neglect or mistreatment. Should the defendant be found guilty, the custodian may petition the court to require the defendant to secure payment for all reasonable expenses related to the animal's care during pending litigation. In this case, the custodian is authorized to subsequently place the animal for adoption or arrange for it to be euthanized. Should the defendant be found not guilty, the county or municipality making the arrest must pay the custodian for the cost of services rendered to the animal. In this case, the defendant is authorized to subsequently recover custody of his animal. The municipal or magistrate's court will determine the actual cost of care for the animal once the custodian provides a good faith estimate of these costs.

With regard to the special fund administered by the Department of Agriculture to support local animal spay/neuter programs, the bill provides that local non-profit organizations offering these programs may apply for up to \$2,000 per grant application at the beginning of each fiscal year. These organizations must use grant funds within six months of receipt or return unused funds and must also submit a report to the Department of Agriculture listing the manner in which the funds were used.

The bill provides an exception for licensure as a veterinarian to allow veterinarians or veterinary technicians who are unlicensed in this jurisdiction but are licensed and in good standing in another jurisdiction to apply for an emergency limited license to practice veterinary medicine during times of emergency or natural disaster. In order for a veterinarian or a veterinary technician to practice in emergency situations, the bill requires that: (1) the Governor or his designee has declared an official state of emergency, (2) an official invitation has been offered to the veterinarian or veterinary technician for a specified time by the Governor, (3) the applicant submits acceptable documentation to demonstrate eligibility for the limited license.

The bill also establishes new shelter standards. These standards will require animal sheltering facilities to ensure animals have adequate space and appropriate temperatures in indoor enclosures and appropriate cover in outdoor enclosures; isolate sick or injured animals from healthy ones and provide adequate veterinary care; keep enclosures clean and free from disease hazards, insects, pests, and odors; provide animals with continuous access to clean water and provide them with uncontaminated, palatable food at least once daily; observe each animal at least once daily; provide animals with adequate mental and physical stimulation; and keep

written records of care for each animal and provide such records to animal control officers or authorized inspectors.

The bill modifies existing provisions to replace the term “animal refuge” or “refuge” with the term “rescue organization.” It also adds new definitions related to animal shelters and adds new provisions granting authority to animal control officers to enforce shelter standards. Officers have the power to conduct complaint investigations and must inspect animal sheltering facilities at least once annually. Documentation of inspections and complaint investigations must be provided by an authorized inspector or animal control officer. The Department of Labor, Licensing and Regulation must develop an electronic document for this purpose and make it available to inspectors and officers.

Animal control officers may issue orders to address shelter standard violations and may suspend intake of animals or require permanent closure of a facility. Shelters found in violation of the standards for a first non-compliant inspection will be issued a warning and will be re-inspected 30 days after the date of the first inspection. Should a facility be found non-compliant at the second inspection, it will be subject to a fine of not less than \$100 nor more than \$500, or the officer or inspector may opt to suspend intake of animals for a period of 15 to 30 days to address the non-compliance. A follow-up inspection will be performed 30 days thereafter. If an animal control officer or authorized inspector finds that a shelter remains non-compliant at the time of the third inspection, he may issue an order to permanently close the facility. The facility will have 90 days within which to transfer all animals to other facilities, organizations, or individuals within the state. Under certain circumstances, animals may also be transferred out of the state. Local, state, and federal law enforcement retain their rights to investigate instances of animal cruelty at any animal sheltering facility.

Judicial Department. The bill will require summary court judges to receive two hours of continuing education on animal cruelty issues every four years at their mandatory continuing education programs. The department expects to absorb any costs associated with this additional instruction within current resources. The bill also creates a criminal offense for unlawful tethering of a dog. First offenses are misdemeanor charges that will be tried in either summary or general sessions court. Second or subsequent offenses are felony charges that will be tried in general sessions court. Additionally, the bill establishes a new criminal offense for animal shelters failing a second inspection, making them subject to a fine of not less than \$100 nor more than \$500. As these are new offenses, there is no data to estimate the number of hearings or trials that may be initiated as a result of the bill. The department expects to absorb any costs associated with an increase in caseloads in general sessions courts within existing resources. Any costs associated with an increase in caseloads in summary courts would be borne by municipalities and counties.

Commission on Prosecution Coordination. The expenditure impact of this bill is pending, contingent upon a response from the agency.

Commission on Indigent Defense. The expenditure impact of this bill is pending, contingent upon a response from the agency.

Department of Labor, Licensing and Regulation. The expenditure impact of this bill is pending, contingent upon a response from the agency.

Department of Agriculture. The expenditure impact of this bill is pending, contingent upon a response from the agency.

State Revenue

N/A

Local Expenditure

The expenditure impact of this bill is pending, contingent upon responses from the surveyed county governments and the Municipal Association of South Carolina.

Local Revenue

N/A



Frank A. Rainwater, Executive Director