**A** **BILL**

TO AMEND SECTION 16‑11‑610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTRY ON ANOTHER’S LANDS WITHOUT PERMISSION, SO AS TO PROVIDE THAT PERSONS WHO ENTER WITH NOTICE ONTO LAND WITHOUT PERMISSION ARE GUILTY OF A MISDEMEANOR, TO REQUIRE PERSONS WITH WRITTEN CONSENT TO HUNT, FISH, OR TRAP ON LANDS THAT HAVE NOTICE POSTED PROHIBITING ENTRY MUST CARRY A COPY OF THE CLUB MEMBERSHIP WHILE ON THE LAND, AND TO DEFINE THE WORD “NOTICE”.

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

SECTION 1. Section 16‑11‑610 of the 1976 Code is amended to read:

“Section 16‑11‑610. (A) ~~Any~~ A person ~~entering~~ who, with notice, enters upon the lands of another for any purpose including, but not limited to, the purpose of hunting, fishing, trapping, netting; for gathering fruit, wild flowers, cultivated flowers, shrubbery, straw, turf, vegetables or herbs; or for cutting timber on such land, without the consent of the owner or manager, ~~shall be deemed~~ is guilty of a misdemeanor and upon conviction shall, for a first offense, be fined not more than two hundred dollars or imprisoned for not more than thirty days, for a second offense, be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days and, for a third or subsequent offense, be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than six months or both. A first or second offense prosecution resulting in a conviction ~~shall~~ must 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.

(B) A person with written consent to hunt, fish, or trap on lands that have notice posted prohibiting entry must carry a copy of the written consent signed by the landowner while on the land.

(C) For the purposes of this section, ‘notice’ means:

(1) oral or written communication by the owner or someone acting on behalf of the owner;

(2) a sign or signs indicating that entry is forbidden posted on the property in a clearly visible place; or

(3) the placement of identifying purple paint marks on trees or posts on the property, provided that the marks are:

(a) vertical lines of not less than eight inches in length and not less than one inch in width;

(b) placed so that the bottom of the mark is no less than three feet and no more than five feet from the ground; and

(c)placed in locations that are readily visible to any person approaching the property.”

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

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