**A** **BILL**

TO AMEND SECTION 47-1-145(C) OF THE 1976 CODE, RELATING TO THE CUSTODY AND CARE OF AN ANIMAL AFTER ARREST AND CUSTODIAL COSTS, TO PROVIDE FOR CIRCUMSTANCES IN WHICH A DEFENDANT IS FOUND GUILTY AND IS ABLE TO RECLAIM THE ANIMAL.

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

SECTION 1. Section 47-1-145(C) of the 1976 Code is amended to read:

“(C)(1) If the court makes a final determination of the charges or claims against the defendant in his favor, then the defendant may recover custody of his animal.

(2) If the defendant is found guilty and the provisions of item (3)(a) are not applicable or, if those provisions are applicable but the ninety-day period has elapsed, then the custodian of the animal may then determine if the animal is suitable for adoption and if adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household if the defendant was found guilty. If no adoption can be arranged after the forfeiture or if the animal is unsuitable for adoption, then the custodian shall humanely euthanize the animal.

(3)(a) If the defendant is found guilty, then the defendant may petition the court for redemption of the animal, provided that the:

(i) facts of the case against the defendant did not include any overt actions of cruelty as provided in Section 47‑1‑40; or

(ii) facts of the case against the defendant were related to a negligence of care and maintenance of the animal that, in the opinion of the court, may be corrected through education.

(b) At the direction of the court, the defendant shall attend and successfully pass a test on a course conducted by a recognized animal advocacy organization on the proper care and maintenance of the type of animal which was the subject of the trial.

(c) The defendant shall attend and successfully pass the test provided for in subitem (b) and be prepared to receive the redeemed animal, not sooner than thirty days or more than ninety days after conviction, by:

(i) presenting the court with a care and maintenance plan for the animal, including the name and address of a licensed Doctor of Veterinary Medicine that will treat the animal, if necessary;

(ii) providing the court with evidence of his financial ability to provide for the proper care and maintenance of the animal;

(iii) continuing court-ordered reimbursement to the custodian for the daily cost of care of the animal until his actual receipt of the animal; and

(iv) paying a redemption fee ordered by the court, which shall be no more than the amount necessary to recover court costs and the cost of the educational requirement pursuant to subitem (b), the latter portion being distributed by the court to the animal advocacy organization conducting the course.

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

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