**A** **BILL**

TO AMEND SECTION 4‑9‑145, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY CODE ENFORCEMENT OFFICERS, SO AS TO INCLUDE ANIMAL CONTROL OFFICERS; AND TO AMEND SECTION 47‑3‑20, RELATING TO THE AUTHORIZATION OF COUNTIES AND MUNICIPALITIES TO ENACT ORDINANCES FOR THE CARE AND CONTROL OF ANIMALS, SO AS TO AUTHORIZE A COUNTY OR MUNICIPALITY TO ALLOW ANIMAL CONTROL OFFICERS TO CARRY FIREARMS.

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

SECTION 1. Section 4‑9‑145 of the 1976 Code is amended to read:

“Section 4‑9‑145. (A) Except as provided in subsection (B), the governing body of a county may appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the county. These officers are vested with all the powers and duties conferred by law upon constables in addition to duties imposed upon them by the governing body of the county. However, no code enforcement officer commissioned under this section may perform a custodial arrest, except as provided in subsection (B). These code enforcement officers must exercise their powers on all private and public property within the county. The governing body of the county may limit the scope of a code enforcement officer’s authority or the geographic area for which he is authorized to exercise the authority granted.

(B)(1) The number of litter control or animal control officers vested with custodial arrest authority who are appointed and commissioned pursuant to subsection (A) must not exceed the greater of:

(a) the number of officers appointed and commissioned by the county on July 1, 2001; or

(b) one officer for every twenty‑five thousand persons in the county, based upon the 2000 census. Each county may appoint and commission at least one officer, without regard to the population of the county.

(2)(a) A litter control or animal control officer appointed and commissioned pursuant to subsection (A) may exercise the power of arrest with respect to his primary duties of enforcement of litter control or animal control laws and ordinances and other state and local laws and ordinances as may arise incidental to the enforcement of his primary duties only if the officer has been certified as a law enforcement officer pursuant to Article 9, Chapter 6, Title 23.

(b) In the absence of an arrest for a violation of ~~the litter control~~ any applicable laws and ordinances, a litter control or animal control officer authorized to exercise the power of arrest pursuant to subitem (a) may not stop a person or make an incidental arrest of a person for a violation of other state and local laws and ordinances.

(3) For purposes of this section~~, the phrase~~:

(a) ‘Animal control officer’ means a code enforcement officer authorized to enforce animal control laws and ordinances.

(b) ‘Litter control officer’ means a code enforcement officer authorized to enforce litter control laws and ordinances.”

SECTION 2. Section 47‑3‑20 of the 1976 Code is amended to read:

“Section 47‑3‑20. The governing body of each county or municipality in this State may enact ordinances and promulgate regulations for the care and control of dogs, cats, and other animals and to prescribe penalties for violations. A governing body that enacts ordinances and promulgates regulations must employ Class 3 animal control officers and, at the discretion of the governing body, may authorize these officers to carry firearms.”

SECTION 3. This act takes effect upon approval by the Governor.

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