COMMITTEE REPORT

April 28, 2010

**S. 958**

Introduced by Senators Knotts, Davis and Rose

S. Printed 4/28/10--S.

Read the first time January 12, 2010.

**THE COMMITTEE ON**

**AGRICULTURE AND NATURAL RESOURCES**

To whom was referred a Bill (S. 958) to amend the Code of Laws of South Carolina, 1976, by adding Section 47‑1‑45 so as to make it unlawful to knowingly or intentionally confine or restrain, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 3, by striking lines 20 - 23 and inserting:

/ (E) It is the intent of the General Assembly to occupy the field of regulation of cruel restraint of animals. All local laws and ordinances related to the regulation of cruel restraint of animals in this State are preempted and superseded by laws enacted by the General Assembly and regulations promulgated by state agencies pursuant to those laws.” /

Renumber sections to conform.

Amend title to conform.

DANIEL B. VERDIN III for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑1‑45 SO AS TO MAKE IT UNLAWFUL TO KNOWINGLY OR INTENTIONALLY CONFINE OR RESTRAIN AN ANIMAL IN A CRUEL MANNER OR KNOWINGLY OR INTENTIONALLY CAUSE SUCH CRUEL CONFINEMENT OR RESTRAINING OF AN ANIMAL, TO DEFINE CERTAIN TERMS IN REGARD TO THE ABOVE, TO PROVIDE PENALTIES FOR VIOLATION, AND TO PROVIDE THAT LOCAL GOVERNMENTS MAY ADOPT MORE STRINGENT LOCAL ORDINANCES GOVERNING THE CONFINEMENT OR RESTRAINING OF AN ANIMAL WITH CIVIL PENALTIES FOR VIOLATIONS.

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

SECTION 1. Chapter 1, Title 47 of the 1976 Code is amended by adding:

“Section 47‑1‑45. (A) It is unlawful to knowingly or intentionally confine or restrain an animal in a cruel manner or knowingly or intentionally cause such cruel confinement or restraining of an animal.

(B) For purposes of this section:

(1) ‘Confine an animal in a cruel manner’ or ‘cruel confinement of an animal’ means confining an animal by means of a pen or similar confinement under circumstances in which the person intends to endanger the animal’s health or safety, or the person reasonably should have known would endanger the animal’s health or safety. ‘Confine an animal in a cruel manner’ or ‘cruel confinement of an animal’ includes, but is not limited to, a confinement that:

(a) confines an animal for such an unreasonable period of time that the animal’s health or safety is endangered;

(b) does not permit an animal to stand, turn around, sit, and lie down in a normal position;

(c) causes bodily injury to an animal;

(d) does not permit an animal access to sustenance;

(e) does not permit proper ventilation for an animal; or

(f) is not kept in a sanitary condition.

(2) ‘Restrain an animal in a cruel manner’ or ‘cruel restraining of an animal’ means tethering, fastening, chaining, tying, attaching, or otherwise restraining an animal to a tree, fence, post, or other stationary object or a running line, pulley, cable trolley system, or similar system by means of a chain, rope, tether, leash, cable, or similar restraint under circumstances in which the person intends to endanger the animal’s health or safety, or the person reasonably should have known would endanger the animal’s health or safety. ‘Restrain an animal in a cruel manner’ or ‘cruel restraining of an animal’ includes, but is not limited to, a restraint that:

(a) restricts an animal’s movement for such an unreasonable period of time that the animal’s health or safety is endangered;

(b) is of a weight that excessively burdens an animal;

(c) causes an animal to choke or causes bodily injury to an animal;

(d) is too short for an animal to move around or for an animal to urinate or defecate in a separate area from the area where the animal must eat, drink, or lie down;

(e) is situated such that an animal will likely become entangled;

(f) does not permit an animal access to sustenance and shelter;

(g) does not permit an animal to escape reasonably foreseeable harm;

(h) is attached to an animal by means of a collar, harness, or similar device that is not properly fitted for the age and size of the animal such that the collar, harness, or similar device causes trauma or injury to the animal; or

(i) is attached to an unsupervised animal by means of a choke‑type or pronged collar.

(C) A person who knowingly or intentionally violates this section is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding sixty days or by a fine not less than one hundred dollars nor more than five hundred dollars, or both, for a first offense; by imprisonment not exceeding ninety days or by a fine not exceeding eight hundred dollars, or both, for a second offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a third or subsequent offense. A person may be issued a correction warning in lieu of being charged with a violation of this section requiring the person to correct the cruel confinement or restraining of an animal within seventy‑two hours unless the violation endangers the health or safety of the animal, the animal has been wounded as a result of the violation, or a correction warning has previously been issued to the person.

(D) This section does not apply to fowl, accepted animal husbandry practices of farm operations and the training of animals, animal exhibitions or shows, pet shops, the practice of veterinary medicine, agricultural practices, forestry and silvacultural practices, wildlife management practices, and to activities, exhibitions, transportation, and other events related to activities authorized by Title 50.

(E) Nothing in this section prohibits local governments from adopting more stringent local ordinances governing the confinement or restraining of an animal; however, a local government may assess only civil penalties for such ordinances.”

SECTION 2. This act takes effect on July 1, 2010.

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