~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE WITH AMENDMENT

April 12, 2011

**S. 643**

Introduced by Senators Knotts, Reese, Thomas, Ford, Matthews, Williams, Campsen, Cromer, Campbell, O’Dell, Rose and Setzler

S. Printed 4/12/11--S.

Read the first time March 3, 2011.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (S. 643) to amend Section 50‑5‑2310, Code of Laws of South Carolina, 1976, relating to the unlawful exhibit of a marine mammal in this State and providing penalties, etc., respectfully

**REPORT:**

Has polled the Bill out with amendment, to wit:

Amend the bill, as and if amended, Section 50‑5‑2310(A), as contained in SECTION 1, by deleting:

/ An attempt must be made by the South Carolina Marine Mammal Standing Network, South Carolina Department of Natural Resources, to rehabilitate any living Cetacean that becomes beach stranded. Following rehabilitation the Cetacean must be released into native South Carolina waters within a reasonable time. / after the period on line 37, page 1.

When amended, Section 50‑5‑2310(A) shall read:

/ (A) It is unlawful for a person, which includes a corporation, to display a wild caught or captive‑bred mammal of the order Cetacean (dolphins and whales). /

Renumber sections to conform.

Amend title to conform.

**A** **BILL**

TO AMEND SECTION 50‑5‑2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL EXHIBIT OF A MARINE MAMMAL IN THIS STATE AND PROVIDING PENALTIES FOR VIOLATION, SO AS TO PROHIBIT THE DISPLAY OF A WILD CAUGHT OR CAPTIVE BRED DOLPHIN OR WHALE AND TO REQUIRE THE MARINE MAMMAL STRANDING NETWORK TO ATTEMPT TO REHABILITATE AND TO RELEASE ANY BEACH‑STRANDED WHALE OR DOLPHIN AND TO PROVIDE PENALTIES.

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

SECTION 1. Section 50‑5‑2310 of the 1976 Code is amended to read:

“Section 50‑5‑2310. ~~(A)~~ ~~It is unlawful to exhibit a marine mammal in this State.~~

~~(B)~~ ~~In addition to any other penalty provided in this chapter, a person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars, not more than one thousand dollars per mammal, or imprisoned for not more than thirty days.~~

(A) It is unlawful for a person, which includes a corporation, to display a wild caught or captive‑bred mammal of the order Cetacean (dolphins and whales). An attempt must be made by the South Carolina Marine Mammal Stranding Network, South Carolina Department of Natural Resources, to rehabilitate any living Cetacean that becomes beach stranded. Following rehabilitation the Cetacean must be released into native South Carolina waters within a reasonable time.

(B) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than six months.”

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

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