**South Carolina General Assembly**

120th Session, 2013-2014

**A251, R292, H3361**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Cobb‑Hunter, Long, Weeks and R.L. Brown

Document Path: l:\council\bills\ms\7088ahb13.docx

Introduced in the House on January 17, 2013

Introduced in the Senate on March 27, 2014

Last Amended on June 3, 2014

Passed by the General Assembly on June 4, 2014

Governor's Action: June 6, 2014, Signed

Summary: Domestic abuse

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/17/2013 House Introduced and read first time ([House Journal‑page 9](file:///H:\HJ%20Archive\2013\01-17-13.docx))

1/17/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 9](file:///H:\HJ%20Archive\2013\01-17-13.docx))

3/19/2014 House Member(s) request name added as sponsor: Weeks

3/20/2014 House Committee report: Favorable **Judiciary** ([House Journal‑page 7](file:///H:\HJ%20Archive\2014\03-20-14.docx))

3/24/2014 Scrivener's error corrected

3/26/2014 House Member(s) request name added as sponsor: R.L.Brown

3/26/2014 House Read second time ([House Journal‑page 38](file:///H:\HJ%20Archive\2014\03-26-14.docx))

3/26/2014 House Roll call Yeas‑68 Nays‑39 ([House Journal‑page 38](file:///H:\HJ%20Archive\2014\03-26-14.docx))

3/27/2014 House Read third time and sent to Senate ([House Journal‑page 19](file:///H:\HJ%20Archive\2014\03-27-14.docx))

3/27/2014 Senate Introduced and read first time ([Senate Journal‑page 5](file:///H:\SJ%20Archive\2014\03-27-14.docx))

3/27/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](file:///H:\SJ%20Archive\2014\03-27-14.docx))

4/25/2014 Senate Referred to Subcommittee: Hutto (ch), Allen, Hembree, Shealy, Young

5/21/2014 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 12](file:///H:\SJ%20Archive\2014\05-21-14.docx))

5/22/2014 Senate Committee Amendment Adopted ([Senate Journal‑page 45](file:///H:\SJ%20Archive\2014\05-22-14.docx))

5/27/2014 Senate Read second time ([Senate Journal‑page 21](file:///H:\SJ%20Archive\2014\05-27-14.docx))

5/27/2014 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 21](file:///H:\SJ%20Archive\2014\05-27-14.docx))

5/28/2014 Senate Read third time and returned to House with amendments ([Senate Journal‑page 37](file:///H:\SJ%20Archive\2014\05-28-14.docx))

6/3/2014 House Read third time and returned to Senate with amendments ([House Journal‑page 86](file:///H:\HJ%20Archive\2014\06-03-14.docx))

6/3/2014 House Senate amendment amended ([House Journal‑page 86](file:///H:\HJ%20Archive\2014\06-03-14.docx))

6/3/2014 House Roll call Yeas‑95 Nays‑0 ([House Journal‑page 87](file:///H:\HJ%20Archive\2014\06-03-14.docx))

6/4/2014 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 11](file:///H:\SJ%20Archive\2014\06-04-14.docx))

6/5/2014 Ratified R 292

6/6/2014 Signed By Governor

6/13/2014 Effective date 06/06/14

6/16/2014 Act No. 251

**VERSIONS OF THIS BILL**

[1/17/2013](file:///p:\pprever\2013-14\3361_20130117.docx)

[3/20/2014](file:///p:\pprever\2013-14\3361_20140320.docx)

[3/24/2014](file:///p:\pprever\2013-14\3361_20140324.docx)

[5/21/2014](file:///p:\pprever\2013-14\3361_20140521.docx)

[5/22/2014](file:///p:\pprever\2013-14\3361_20140522.docx)

[6/3/2014](file:///p:\pprever\2013-14\3361_20140603.docx)

(A251, R292, H3361)

**AN ACT TO AMEND SECTION 20‑4‑60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN ORDER FOR PROTECTION FROM DOMESTIC ABUSE, SO AS TO PROVIDE THAT THE COURT MAY PROHIBIT HARM OR HARASSMENT TO PET ANIMALS OWNED, POSSESSED, KEPT, OR HELD BY THE PETITIONER AND OTHER DESIGNATED PERSONS, AND TO PROVIDE THAT IN ORDERING TEMPORARY POSSESSION OF PERSONAL PROPERTY, THE COURT MAY ORDER THE TEMPORARY POSSESSION OF PET ANIMALS; TO AMEND SECTION 47‑1‑40, AS AMENDED, RELATING TO THE ILL‑TREATMENT OF ANIMALS, SO AS TO REVISE THE PENALTIES FOR THE ILL‑TREATMENT OF ANIMALS; TO AMEND SECTION 47‑1‑130, RELATING TO ARREST FOR VIOLATION OF THE LAWS PROHIBITING CRUELTY TO ANIMALS, SO AS TO PROHIBIT THE SOUTH CAROLINA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS OR OTHER SIMILAR ORGANIZATIONS, FROM MAKING AN ARREST FOR A VIOLATION OF THE LAWS IN RELATION TO CRUELTY TO ANIMALS; TO AMEND SECTION 47‑1‑140, AS AMENDED, RELATING TO THE CARE OF ANIMALS AFTER ARREST OF THE PERSON IN CHARGE OF THE ANIMAL, SO AS TO MAKE CONFORMING CHANGES DELETING REFERENCES TO ARRESTS BY THE SOUTH CAROLINA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AND TO PROVIDE FOR THE EXTINGUISHMENT OF A LIEN FOR THE EXPENSES FOR THE CARE AND PROVISION OF ANIMALS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 47‑1‑150, AS AMENDED, RELATING TO SEARCH WARRANTS AND CUSTODY OF ANIMALS, SO AS TO MAKE CONFORMING CHANGES DELETING REFERENCES TO ORDERS BY THE SOUTH CAROLINA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS; AND TO REPEAL SECTION 47‑1‑160 RELATING TO THE DISPOSITION OF FINES FOR VIOLATIONS OF THE CHAPTER REGARDING CRUELTY TO ANIMALS.**

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

**Orders of protection, harm or harassment to pet animals**

SECTION 1. Section 20‑4‑60(C) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) prohibit harm or harassment, including a violation of Chapter 1, Title 47, against any pet animal owned, possessed, kept, or held by:

(a) the petitioner;

(b) any family or household member designated in the order;

(c) the respondent if the petitioner has a demonstrated interest in the pet animal.”

**Temporary possession of pet animals**

SECTION 2. Section 20‑4‑60(C)(5) of the 1976 Code is amended to read:

“(5) provide for temporary possession of the personal property, including pet animals, of the parties and order assistance from law enforcement officers in removing personal property of the petitioner if the respondent’s eviction has not been ordered.”

**Ill-treatment of animals, penalties revised**

SECTION 3. Section 47‑1‑40 of the 1976 Code, as last amended by Act 259 of 2008, is further amended to read:

“Section 47‑1‑40. (A) A person who knowingly or intentionally overloads, overdrives, overworks, or ill‑treats an animal, deprives an animal of necessary sustenance or shelter, inflicts unnecessary pain or suffering upon an animal, or by omission or commission knowingly or intentionally causes these acts to be done, is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding ninety days or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, for a first offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a second or subsequent offense.

(B) A person who tortures, torments, needlessly mutilates, cruelly kills, or inflicts excessive or repeated unnecessary pain or suffering upon an animal or by omission or commission causes these acts to be done, is guilty of a felony and, upon conviction, must be punished by imprisonment of not less than one hundred eighty days and not to exceed five years and by a fine of five thousand dollars.

(C) This section does not apply to fowl, accepted animal husbandry practices of farm operations and the training of animals, the practice of veterinary medicine, agricultural practices, forestry and silvacultural practices, wildlife management practices, or activity authorized by Title 50, including an activity authorized by the South Carolina Department of Natural Resources or an exercise designed for training dogs for hunting, if repeated contact with a dog or dogs and another animal does not occur during this training exercise.”

**Cruelty to animals, arrest, prohibiting arrest by the South Carolina Society for the Prevention of Cruelty to Animals**

SECTION 4. Section 47‑1‑130 of the 1976 Code is amended to read:

“Section 47‑1‑130. (A) Any person violating the laws in relation to cruelty to animals may be arrested by a law enforcement officer and held, without warrant, in the same manner as in the case of persons found breaking the peace.

(B) The South Carolina Society for the Prevention of Cruelty to Animals, or other organizations organized for the same purpose, may not make an arrest for a violation of the laws in relation to cruelty to animals.”

**Cruelty to animals, conforming changes**

SECTION 5. Section 47‑1‑140 of the 1976 Code, as last amended by Act 367 of 1998, is further amended to read:

“Section 47‑1‑140. The law enforcement officer making the arrest, with or without warrant, shall use reasonable diligence to give notice to the owner of the animals found in the charge or custody of the person arrested, if the person is not the owner, and shall care and provide properly for the animals. The law enforcement officer making the arrest shall have a lien on the animals for the expense of such care and provision unless the charge is dismissed or nol prossed or the person is found not guilty, then the lien is extinguished. The lien also may be extinguished by an agreement between the person charged and the prosecuting agency or the law enforcement agency in custody of the animal. Notwithstanding any other provision of law, an animal may be seized preceding an arrest and pursuant to Section 47‑1‑150.”

**Cruelty to animals, conforming changes**

SECTION 6. Section 47‑1‑150(B) of the 1976 Code, as added by Act 367 of 1998, is amended to read:

“(B) The purpose of this section is to provide a means by which a neglected or mistreated animal can be:

(1) removed from its present custody; or

(2) made the subject of an order to provide care, issued to its owner by the magistrate or municipal judge, any law enforcement officer, or any agent of the county and given protection and an appropriate and humane disposition made.”

**Savings clause**

SECTION 7. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

**Repeal**

SECTION 8. Section 47‑1‑160 of the 1976 Code is repealed.

**Time effective**

SECTION 9. This act takes effect upon approval by the Governor.

Ratified the 5th day of June, 2014.

Approved the 6th day of June, 2014.

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