**South Carolina General Assembly**

122nd Session, 2017-2018

**A71, R106, H3601**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, Pitts, Hiott, Hardee, Duckworth, Crawford, Yow, Delleney, Lowe, White, Hewitt and Hixon

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Introduced in the House on January 31, 2017

Introduced in the Senate on March 30, 2017

Last Amended on May 10, 2017

Passed by the General Assembly on May 10, 2017

Governor's Action: May 19, 2017, Signed

Summary: Bear hunting

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/31/2017 House Introduced and read first time ([House Journal‑page 9](file:///h%3A%5Chj%5C20170131.docx))

 1/31/2017 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 9](file:///h%3A%5Chj%5C20170131.docx))

 1/31/2017 House Member(s) request name removed as sponsor: Kirby

 3/23/2017 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 2](file:///h%3A%5Chj%5C20170323.docx))

 3/28/2017 House Member(s) request name added as sponsor: Hewitt

 3/29/2017 House Member(s) request name added as sponsor: Hixon

 3/29/2017 House Amended ([House Journal‑page 54](file:///h%3A%5Chj%5C20170329.docx))

 3/29/2017 House Read second time ([House Journal‑page 54](file:///h%3A%5Chj%5C20170329.docx))

 3/29/2017 House Roll call Yeas‑107 Nays‑0 ([House Journal‑page 58](file:///h%3A%5Chj%5C20170329.docx))

 3/30/2017 House Read third time and sent to Senate ([House Journal‑page 15](file:///h%3A%5Chj%5C20170330.docx))

 3/30/2017 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h%3A%5Csj%5C20170330.docx))

 3/30/2017 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 9](file:///h%3A%5Csj%5C20170330.docx))

 5/3/2017 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** ([Senate Journal‑page 16](file:///h%3A%5Csj%5C20170503.docx))

 5/5/2017 Scrivener's error corrected

 5/9/2017 Senate Committee Amendment Adopted ([Senate Journal‑page 51](file:///h%3A%5Csj%5C20170509.docx))

 5/9/2017 Senate Read second time ([Senate Journal‑page 51](file:///h%3A%5Csj%5C20170509.docx))

 5/9/2017 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 51](file:///h%3A%5Csj%5C20170509.docx))

 5/10/2017 Senate Amended ([Senate Journal‑page 40](file:///h%3A%5Csj%5C20170510.docx))

 5/10/2017 Senate Read third time and returned to House with amendments ([Senate Journal‑page 40](file:///h%3A%5Csj%5C20170510.docx))

 5/10/2017 Senate Roll call Ayes‑39 Nays‑2 ([Senate Journal‑page 40](file:///h%3A%5Csj%5C20170510.docx))

 5/10/2017 House Concurred in Senate amendment and enrolled ([House Journal‑page 53](file:///h%3A%5Chj%5C20170510.docx))

 5/10/2017 House Roll call Yeas‑105 Nays‑0 ([House Journal‑page 54](file:///h%3A%5Chj%5C20170510.docx))

 5/15/2017 Ratified R 106

 5/19/2017 Signed By Governor

 5/26/2017 Effective date 5/19/17

 5/31/2017 Act No. 71

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**VERSIONS OF THIS BILL**

[1/31/2017](file:///p%3A%5Cpprever%5C2017-18%5C3601_20170131.docx)

[3/23/2017](file:///p%3A%5Cpprever%5C2017-18%5C3601_20170323.docx)

[3/29/2017](file:///p%3A%5Cpprever%5C2017-18%5C3601_20170329.docx)

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[5/5/2017](file:///p%3A%5Cpprever%5C2017-18%5C3601_20170505.docx)

[5/9/2017](file:///p%3A%5Cpprever%5C2017-18%5C3601_20170509.docx)

[5/10/2017](file:///p%3A%5Cpprever%5C2017-18%5C3601_20170510.docx)

(A71, R106, H3601)

**AN ACT TO AMEND SECTION 50‑9‑665, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF BEAR HUNTING TAGS BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO DELETE LANGUAGE WHICH PROVIDES THAT IN GAME ZONES OTHER THAN GAME ZONE 1, APPLICANTS FOR BEAR TAGS, UPON THE PAYMENT OF AN APPLICATION FEE, MUST BE CHOSEN BY RANDOM DRAWING WHICH ARE VALID FOR A SPECIFIED GAME ZONE; TO AMEND SECTION 50‑11‑430, AS AMENDED, RELATING TO THE HUNTING OF BEAR, SO AS TO DELETE STATUTORY LANGUAGE AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE BEAR TAGS TO ALLOW THE HUNTING AND TAKING OF BEAR IN ANY GAME ZONE WHERE BEAR OCCUR, WITH SPECIAL PROVISIONS FOR GAME ZONES 2, 3, AND 4, TO PROVIDE THAT THE DEPARTMENT MUST PROMULGATE REGULATIONS TO SET THE CONDITIONS FOR TAKING OF BEAR, INCLUDING METHODS OF TAKE, AREAS, TIMES, LIMITS, SEASONS, AND OTHER CONDITIONS TO PROPERLY CONTROL THE HARVEST OF BEAR, TO PROVIDE OTHER PROVISIONS, PROCEDURES, AND REQUIREMENTS FOR THE HUNTING AND HARVESTING OF BEAR IN GAME ZONES 2, 3, AND 4, TO PROVIDE A REQUIREMENT THAT ANY BEAR TAKEN MUST BE TAGGED AND REPORTED TO THE DEPARTMENT BY MIDNIGHT OF THE DAY OF THE HARVEST, TO MAKE IT UNLAWFUL TO FAIL TO REPORT A BEAR HARVEST IN THE MANNER PROVIDED BY LAW, TO PROVIDE THAT THE MAGISTRATES COURT RETAINS JURISDICTION FOR OFFENSES MADE UNLAWFUL BY THIS SECTION; AND TO PROVIDE THAT THE DEPARTMENT, BY JULY 1, 2018, SHALL PROVIDE TO SPECIFIED RECIPIENTS A REPORT OF A ONE-YEAR STUDY INCLUDING, BUT NOT LIMITED TO, THE HARVEST SUMMARY OF BLACK BEAR IN GAME ZONES 1 THROUGH 4.**

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

**Provisions deleted**

SECTION 1. Section 50‑9‑665 of the 1976 Code, as last amended by Act 94 of 2013, is further amended to read:

 “Section 50‑9‑665. (A) For the privilege of hunting bear, in addition to the required hunting license and big game permit the licensee must obtain a bear tag issued in his name, and the fee:

 (1) for a resident is twenty‑five dollars per tag, one dollar of which may be retained by the license sales vendor;

 (2) for a nonresident is one hundred dollars per tag, two dollars of which may be retained by the license sales vendor.

 (B) Youth under the age of sixteen are required to obtain youth tags for bear from the department at its designated licensing locations at no cost.”

**Hunting and taking of bears, season, rules, limits, and requirements**

SECTION 2. Section 50‑11‑430 of the 1976 Code, as last amended by Act 227 of 2014, is further amended to read:

 “Section 50‑11‑430. (A)(1) The open season for hunting and taking bear in Game Zone 1 for still gun hunts is October 17 through October 23; for party dog hunts is October 24 through October 30. A party dog hunt in Game Zone 1 may not exceed twenty‑five participants per party and shall register with the department by September first. Party participants, except those not required to have licenses shall submit their hunting license number in order to register.

 (2) In all other game zones, the General Assembly finds it in the best interest of the State to allow the taking of black bear under strictly controlled conditions and circumstances. The department may establish a bear management program that allows for hunting and selective removal of bear in order to provide for the sound management of the animals and to ensure the continued viability of the species. The department must promulgate regulations to set the conditions for taking, including methods of take, areas, times, limits, and seasons, and other conditions to properly control the harvest of bear.

 (B) In Game Zones 2, 3, and 4 where the department declares an open season, the department shall determine an appropriate quota of tags to be issued in each game zone, or county within a game zone, and shall further promulgate regulations necessary to properly control the harvest of bear. The department may close an open season at any time, provided that the department gives at least twenty‑four hours’ notice to the public of the closure.

 (C) In Game Zones 2, 3, and 4 where the department declares an open season for hunting and taking bears on wildlife management areas, and all other areas under the ownership, control, or lease of the department, the season will be set by the department. The department may close an open season at any time, provided that the department gives at least twenty‑four hours’ notice to the public of the closure.

 (D) In order to properly implement the provisions of subsections (B) and (C), any bear taken must be tagged with a valid bear tag and reported by midnight of the day of the harvest to the department as prescribed. The tag must be attached to the bear as prescribed by the department before being moved from the point of kill.

 (E) It is unlawful to:

 (1) hunt, take, or attempt to take a bear except during the open season;

 (2) possess an untagged bear;

 (3) take more than one bear per person during all seasons. In Game Zone 1 a registered party dog hunt may take up to five bear per season per party; a person who has taken a bear during the season may participate in a registered party hunt as long as the hunting license shows the bear tag endorsement, but the person may not take another bear;

 (4) take or attempt to take a sow bear with cubs;

 (5) possess or transport a freshly killed bear or bear part except during the open season for hunting and taking bear. This prohibition does not apply to bear lawfully taken in other jurisdictions. The department may issue a special permit for possession or transportation of a freshly killed bear or bear part outside of the season;

 (6) possess a captive bear except pursuant to a permit issued by the department. A violation of the terms of the permit may result in revocation or a civil penalty of up to five thousand dollars, or both. An appeal must be made in accordance with the Administrative Procedures Act;

 (7) pursue bear with dogs; except during the open season for hunting and taking bear with dogs;

 (8) hunt or take bear by the use or aid of bait; or attempt to hunt or take bear by use or aid of bait; hunt or take bear on or over a baited area. As used in this item:

 (a) ‘Bait’ means salt or shelled, shucked, or unshucked corn, wheat or other grain, or other foodstuffs that could constitute a lure, attraction, or enticement for bear.

 (b) ‘Baiting’ or ‘to bait’ means placing, depositing, exposing, distributing, or scattering bait.

 (c) ‘Baited area’ means an area where bait is directly or indirectly placed, exposed, deposited, distributed, or scattered, and the area remains a baited area for ten days following complete removal of all bait. Nothing in this section prohibits the hunting and taking of bear on or over lands or areas that are not otherwise baited and where:

 (i) there are standing crops on the field where grown, including crops grown for wildlife management purposes; or

 (ii) shelled, shucked, or unshucked corn, wheat or other grain, or seeds that have been distributed or scattered solely as the result of a normal agricultural practice as prescribed by the Clemson University Extension Service or its successor;

 (9) buy, sell, barter, or exchange or attempt to buy, sell, barter, or exchange a bear or bear part;

 (10) take or attempt to take a bear from a watercraft or other water conveyance or molest, take, or attempt to take a bear while the bear is swimming in a lake or river;

 (11) fail to report a bear harvest in the manner provided by law.

 (F)(1) Each of the acts provided for in subsection (E) is a violation of this section and is a separate offense.

 (2) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned not more than sixty days, or both. Hunting and fishing privileges of a person convicted under the provisions of this section must be suspended for three years. In addition, each person convicted of a violation of this section shall pay restitution to the department of not less than one thousand five hundred dollars for each bear or bear part that is the subject of a violation of this section. The magistrates court retains concurrent jurisdiction for offenses contained in this section.”

**Study and report**

SECTION 3. The department shall provide a report of a one‑year study by July 1, 2018, to the Chairman of the Senate Fish, Game and Forestry Committee and the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee. The report will include, but will not be limited to, the harvest summary of Black Bear in Game Zones 1‑4.

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2017.

Approved the 19th day of May, 2017.

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