



**ANIMAL LEGAL
DEFENSE FUND** EST
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Compendium of U.S. Animal Protection Laws

South Carolina



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This chapter contains South Carolina’s general animal protection and related statutes with an effective date on or before September 1, 2023. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

South Carolina may employ similar provisions within other non-animal-specific criminal and civil statutes, may have other more specific statutes in addition to those included, and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

ANIMAL PROTECTION LAWS OF SOUTH CAROLINA

South Carolina Laws

SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

1. Definition of “Animal”	“[A] living vertebrate creature except a homo sapien” S.C. CODE § 47-1-10(1) “Fowl” are not covered. S.C. CODE § 47-1-40(C)
2. General Cruelty	Definitions S.C. CODE § 47-1-10 Acts of agents imputed to corporations S.C. CODE § 47-1-20 Ill-treatment of animals generally S.C. CODE § 47-1-40(A) <i>1st offense: 90 days imprisonment and/or \$1000 fine</i> <i>Subsequent offenses: 2 years imprisonment and/or \$2000 fine</i> Torture, torment, cruelly kill any animal S.C. CODE § 47-1-40(B) <i>Felony, 5 years imprisonment and \$5,000 fine</i> Cruelly drive or work an animal, or carry an animal in or upon a vehicle S.C. CODE § 47-1-50(A) <i>1st offense: 90 days imprisonment and/or \$1000 fine</i> <i>Subsequent offenses: 2 years imprisonment and/or \$2000 fine</i> Abandonment of animals S.C. CODE § 47-1-70(A) <i>30 days imprisonment and/or \$500 fine</i> Exemptions: Veterinary practice, wildlife, accepted farm animal husbandry practices, other S.C. CODE § 47-1-40(C) Hunting dogs S.C. CODE § 47-1-70(C) Defense of sheep S.C. CODE § 47-3-220

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3. Animal Fighting	Note: Laws relating to the seizure and forfeiture of animals and implements used in animal fighting are located in the Criminal Justice Intervention sections of this document. Cockfighting, including spectatorship S.C. CODE § 16-17-650 <i>Misdemeanor</i> Definitions S.C. CODE § 16-27-20 Various animal fighting activities S.C. CODE § 16-27-30 <i>Felony, 5 years imprisonment and/or \$5,000 fine</i> Spectatorship S.C. CODE § 16-27-40 <i>1st offense: misdemeanor, 6 months imprisonment and/or \$500 fine</i> <i>2nd offense: misdemeanor, 1 year imprisonment and/or \$1,000 fine</i> <i>Subsequent offenses: felony, 5 years imprisonment and/or \$5,000 fine</i> Exemptions: Lawful hunting, accepted farm animal husbandry practices, other S.C. CODE § 16-27-60 Other S.C. CODE § 16-27-70 Hog-dog rodeos S.C. CODE § 16-27-80
4. Sexual Assault	“Buggery” with a “beast” S.C. CODE § 16-15-120 <i>Felony, 5 years imprisonment and/or \$500 fine</i>
5. Cruelty to Working Animals	Taunt, torment, tease, beat, strike, or administer desensitizing drug to police dog or horse. S.C. CODE §§ 47-3-610; 47-3-630 <i>Misdemeanor: 6 months imprisonment and/or \$1,000 fine</i> Unlawful to torture, mutilate, injure, disable, poison, or kill police dog or horse. S.C. CODE §§ 47-3-620; 47-3-630 <i>Felony: 5 years imprisonment and/or \$2,000 fine</i>

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	Interference with a guide dog or service animal S.C. CODE § 47-3-930 <i>Misdemeanor: maximum for magistrate court</i> Recklessly cause injury, disability or death to guide dog or service animal S.C. CODE § 47-3-940 <i>Misdemeanor: 6 months imprisonment and/or \$2,500 fine</i> Intentionally cause injury, disability or death to guide dog or service animal S.C. CODE § 47-3-960 <i>Misdemeanor: 3 years imprisonment and/or \$5,000 fine</i>
6. Laws Specific to Farmed Animals	Willful or malicious injury or killing of a horse, mule, cattle, hog, sheep, goat, or any other kind of personal property of another S.C. CODE § 16-11-510(A) <i>Loss is \$2,000 or less: Misdemeanor, imprisonment and/or fine at discretion of court</i> <i>Loss is between \$2,000 and \$10,000: felony, 5 years imprisonment and/or fine at discretion of court</i> <i>Loss is \$10,000 or more: 10 years imprisonment and/or fine at discretion of court</i> Tail docking horses prohibited S.C. CODE § 47-1-60 Coloring or dying animals prohibited; sale or distribution of certain young animals prohibited S.C. CODE § 47-1-125
7. Cruel Hunting, Trapping, and Fishing	Unlawful to destroy nests or eggs S.C. CODE §§ 50-11-22; 840 Unlawful to molest or kill birds of prey S.C. CODE § 50-11-852 Visiting traps once per day S.C. CODE § 50-11-2440 Types of traps S.C. CODE § 50-11-2460 Taking fish by snagging prohibited S.C. CODE § 50-13-80

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	Game fish caught with nets and sturgeon must be returned immediately to water S.C. CODE § 50-13-310 Unlawful to fish using poison, electricity or explosives S.C. CODE §§ 50-13-1410; 1420; 1440
REPORTING LAWS	
8. Cross Reporting	[None]
9. Veterinary Reporting	Veterinarians, animal control officers and humane agents are immune from civil and criminal liability for good faith care and treatment of animals in distress. S.C. CODE § 47-1-75
10. “Ag-Gag” Laws	[None]
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	[None]
12. Civil Enforcement	[None]
13. Domestic Violence and Protection Orders	The court may prohibit harm or harassment to a pet animal S.C. CODE § 20-4-60(C)(8)
CRIMINAL JUSTICE INTERVENTION	
14. Maximum Penalties and Statute of Limitations	NOTE: Almost all penalties are defined in the substantive statutes, available in the General Cruelty, Animal Fighting, and Sexual Assault sections of this document. Maximum for magistrate court S.C. CODE § 22-3-550 <i>30 days imprisonment and/or \$500 fine</i> Statute of limitations: <i>none</i>
15. Law Enforcement Policies	Any person violating the animal cruelty laws may be arrested by a law enforcement officer and held without warrant in the same manner as someone found breaking the peace. S.C. CODE § 47-1-130 Judges must complete 2 hours of animal cruelty training every 4 years

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	S.C. CODE § 47-1-225
16. Seizure	Animals used in fighting may be seized without warrant S.C. CODE § 16-27-55 Animals in the charge of a person arrested may be impounded by the SC-SPCA. S.C. CODE § 47-1-120 Person making the arrest shall properly care and provide for animals until owner takes charge S.C. CODE § 47-1-140 Court may issue search warrants or orders permitting the seizure of cruelly treated animals. S.C. CODE § 47-1-150 Court may order removal of animal from its present location if deemed necessary to prevent further suffering or ill-treatment. S.C. CODE § 47-1-150(C)
17. Courtroom Animal Advocate Program	[None]
18. Restitution	Liens for animals used in fighting S.C. CODE § 16-27-55 All necessary expenses incurred on behalf of seized animals shall be a lien thereon. S.C. CODE § 47-1-120 Person making arrest and caring for animals has a lien on the animals for the costs of care. S.C. CODE § 47-1-140 Seizing agency can petition the court to order the defendant, once he/she is convicted, to reimburse the agency for costs of care. S.C. CODE § 47-1-145 The person charged with, or convicted of, animal cruelty must be ordered to pay costs incurred to care for the animal and related expenses. S.C. CODE § 47-1-170

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19. Forfeiture and Possession Bans	Any animal owned, trained, possessed, purchased, sold, transported, or bred in violation of animal fighting laws has been cruelly treated and the owner is unfit S.C. CODE § 16-27-50 Animals used in fighting are subject to forfeiture S.C. CODE § 16-27-55 Animals forfeited under 47-1-170 are subject to humane disposition S.C. CODE § 47-1-150 Upon conviction, defendant forfeits mistreated animals. S.C. CODE § 47-1-170
20. Rehabilitative Sentencing	[None]

ANIMAL PROTECTION LAWS OF SOUTH CAROLINA

1. DEFINITION OF “ANIMAL”

S.C. CODE § 47-1-10. Definitions.

As used in this chapter:

- (1) “Animal” means a living vertebrate creature except a homo sapien.
- (2) “Sustenance” means adequate food provided at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight and adequate water provided with constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species.
- (3) “Shelter” means shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

S.C. CODE § 47-1-40. Ill-treatment of animals generally.

- (A) A person who knowingly or intentionally overloads, overdrives, overworks, ill-treats any animal, deprives any animal of necessary sustenance or shelter, inflicts unnecessary pain or suffering upon any 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; 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.

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2. GENERAL CRUELTY

S.C. CODE § 47-1-10. Definitions.

As used in this chapter:

- (1) “Animal” means a living vertebrate creature except a homo sapien.
- (2) “Sustenance” means adequate food provided at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight and adequate water provided with constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species.
- (3) “Shelter” means shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

S.C. CODE § 47-1-20. Acts of agents imputed to corporations.

The knowledge and acts of agents and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of such corporations shall be held to be the acts and knowledge of such corporations.

S.C. CODE § 47-1-40. Ill-treatment of animals generally.

- (A) *A person who knowingly or intentionally overloads, overdrives, overworks, ill-treats any animal, deprives any animal of necessary sustenance or shelter, inflicts unnecessary pain or suffering upon any 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; 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.*

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S.C. CODE § 47-1-50. Cruel work; carriage in vehicles; penalties.

- (A) *An owner, a possessor, or a person having the charge or custody of an animal may not:*
- (1) cruelly drive or work it when unfit for labor;*
 - (2) carry it, or cause it to be carried, in or upon a vehicle or otherwise in an unnecessarily cruel or inhumane manner.*
- (B) *A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished for each offense in the manner prescribed in Section 47-1-40(A).*

S.C. CODE § 47-1-70. Abandonment of animals; penalties; hunting dog exception.

- (A) *A person may not abandon an animal. As used in this section “abandonment” is defined as deserting, forsaking, or intending to give up absolutely an animal without securing another owner or without providing the necessities of life. “Necessities of life” includes:*
- (1) adequate water which means a constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species;*
 - (2) adequate food which means provision at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight;*
 - (3) adequate shelter which means shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.*
- (B) *A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred nor more than five hundred dollars or imprisoned not more than thirty days, or both. Offenses under this section must be tried in the magistrate’s or municipal court.*
- (C) *A hunting dog that is positively identifiable in accordance with Section 47-3-510 or Section 47-3-530 is exempt from this section.*

S.C. CODE § 47-3-220. Dog found in act of worrying or destroying sheep may be killed.

Any person who may find any dog in the act of worrying or destroying any sheep in this State may kill such dog and such person shall not for so doing be held to answer to any action, civil or criminal.

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3. ANIMAL FIGHTING

S.C. CODE § 16-27-60. Inapplicability of chapter to certain activities and to game fowl.

- (A) *The provisions of Section 16-27-30 do not apply to any person:*
- (1) *using any animal to pursue or take wildlife or to participate in hunting in accordance with the game and wildlife laws of this State and regulations of the South Carolina Department of Natural Resources;*
 - (2) *using any animal to work livestock for agricultural purposes;*
 - (3) *properly training or using dogs for law enforcement purposes or protection of persons and private property.*
- (B) *The provisions of this chapter do not apply to game fowl.*

S.C. CODE § 16-27-70. Relationship to other laws.

The provisions of this chapter are cumulative and not in lieu of any other provision of law.

S.C. CODE § 16-17-650. Cockfighting.

- (A) *A person who engages in or is present at cockfighting or game fowl fighting or illegal game fowl testing is guilty of a:*
- (1) *misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year for a first offense; or*
 - (2) *misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned not more than three years for a second or subsequent offense.*
- (B) *For purposes of this section, “illegal game fowl testing” means allowing game fowl to engage in physical combat:*
- (1) *with or without spurs or other artificial items while in the presence of more than five spectators;*
 - (2) *under any circumstances while employing spurs or other artificial items or with the injection or application of a stimulant substance; or*
 - (3) *for purposes of or in the presence of wagering or gambling.*
- (C) *A person who violates the provisions of subsection (A)(1) must be tried exclusively in summary court.*
- (D) *A person who violates the provisions of subsection (A)(2) is subject to the forfeiture of monies, negotiable instruments, and securities specifically gained or used to engage in or further a violation of this section pursuant to Section 16-27-55.*
- (E) *All game fowl breeders and game fowl breeder testing facilities must comply with the Department of Health and Environmental Control and the State Veterinarian’s regulations, policies, and procedures regarding avian influenza preparedness and testing. In the event of an avian influenza outbreak in South Carolina, all game fowl breeders and game fowl breeder testing facilities must allow the Department of Health and Environmental Control and the State Veterinarian to conduct avian influenza*

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testing of all game fowl.

S.C. CODE § 16-27-20. Definitions.

As used in this chapter:

- (a) *“Animal” means any live vertebrate creature, domestic or wild.*
- (b) *“Fighting” means an attack with violence by an animal against another animal or a human.*
- (c) *“Baiting” means to provoke or to harass an animal with one or more animals with the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals or between animals and humans.*
- (d) *“Person” means every natural person or individual and any firm, partnership, association, or corporation.*

S.C. CODE § 16-27-30. Acts or omissions constituting felonies; penalties.

Any person who:

- (a) *owns an animal for the purpose of fighting or baiting;*
- (b) *is a party to or causes any fighting or baiting of any animal;*
- (c) *purchases, rents, leases, or otherwise acquires or obtains the use of any structure, facility, or location for the purpose of fighting or baiting any animal; or*
- (d) *knowingly allows or permits or makes available any structure, facility, or location to be used for the purpose of fighting or baiting any animal is guilty of a felony and upon conviction must be punished by a fine of five thousand dollars or imprisoned for five years, or both.*

S.C. CODE § 16-27-40. Acts constituting misdemeanors upon conviction of first or second offense and constituting felonies upon conviction of third or subsequent offense; penalties.

Any person who:

- (a) *is present at any structure, facility, or location where preparations are being made for the purpose of fighting or baiting any animal with knowledge that those preparations are being made, or*
- (b) *is present at any structure, facility, or location with knowledge that fighting or baiting of any animal is taking place or is about to take place there is guilty of a misdemeanor and upon conviction for a first offense must be punished by a fine of five hundred dollars or imprisonment for six months, or both, and for a second offense by a fine of one thousand dollars or imprisonment for one year, or both. Any person convicted of a third or subsequent offense is guilty of a felony and must be punished by a fine of five thousand dollars or imprisonment for five years, or both.*

S.C. CODE § 16-27-80. Applicability of chapter to hunting dogs and certain events.

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- (A) *This chapter does not apply to dogs used for the purpose of hunting, including, but not limited to, hunting on shooting preserves or wildlife management areas authorized pursuant to Title 50, or to dogs used in field trials, including events more commonly known as “water races”, “treeing contests”, “coon-on-a-log”, “bear-baying”, or “fox-pen-trials”. Such “fox-pen-trials” must be approved by permit for field trials by the South Carolina Department of Natural Resources.*
- (B) *Except as otherwise provided in Section 16-27-60, this chapter applies to events more commonly known as “hog-dog fights”, “hog-dog rodeos”, or “hog-dogging” in which bets are placed, or cash, points, titles, trophies, or other awards are given based primarily on the ability of a dog to catch a hog using physical contact in the controlled environment of an enclosure.*

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4. SEXUAL ASSAULT

S.C. CODE § 16-15-120. Buggery.

Whoever shall commit the abominable crime of buggery, whether with mankind or with beast, shall, on conviction, be guilty of felony and shall be imprisoned in the Penitentiary for five years or shall pay a fine of not less than five hundred dollars, or both, at the discretion of the court.

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5. CRUELTY TO WORKING ANIMALS

S.C. CODE § 47-3-610. Unlawful to taunt, torment, tease, beat, strike, or administer desensitizing drug to police dog or horse.

It is unlawful for a person to wilfully and maliciously taunt, torment, tease, beat, strike, or administer or subject a desensitizing drug, chemical, or substance to a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or agency or when a dog is placed in a kennel off duty or a horse is placed in a stable off duty, or to interfere or meddle with a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or agency.

S.C. CODE § 47-3-620. Unlawful to torture, mutilate, injure, disable, poison, or kill police dog or horse.

It is unlawful for a person to wilfully or maliciously torture, mutilate, injure, disable, poison, or kill a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or when a dog is placed in a kennel off duty or a horse is placed in a stable off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog or horse undue suffering and pain.

S.C. CODE § 47-3-630. Penalties.

A person who violates any of the provisions of this article, except for Section 47-3-620, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned not less than thirty days nor more than six months, or both. A person who violates the provisions of Section 47-3-620 is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than five thousand dollars and imprisoned not less than one year nor more than five years.

S.C. CODE § 47-3-930. Interference with use of a guide dog or service animal; misdemeanor.

- (A) *It is unlawful for a person who has received notice that his behavior is interfering with the use of a guide dog or service animal to continue with reckless disregard to interfere with the use of a guide dog or service animal by obstructing, intimidating, or jeopardizing the safety of the guide dog or service animal or its user.*
- (B) *It is unlawful for a person with reckless disregard to allow his dog that is not contained by a fence, a leash, or another containment system to interfere with the use of a guide dog or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the guide dog or service animal or its user.*

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- (C) *A person who violates subsection (A) or (B) is guilty of a misdemeanor triable in magistrate's court and, upon conviction, is subject to the maximum fines and terms of imprisonment in magistrate's court.*

S.C. CODE § 47-3-940. Injury, disability, or death; reckless disregard; penalties.

- (A) *It is unlawful for a person with reckless disregard to injure, disable, or cause the death of a guide dog or service animal.*
- (B) *It is unlawful for a person with reckless disregard to allow his dog to injure, disable, or cause the death of a guide dog or service animal.*
- (C) *A person who violates subsection (A) or (B) is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned not more than six months, or both.*

S.C. CODE § 47-3-960. Intentional injury, disability, or death; penalties.

- (A) *It is unlawful for a person to intentionally injure, disable, or cause the death of a guide dog or service animal, except in the case of self-defense or humane euthanasia.*
- (B) *A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years, or both.*

ANIMAL PROTECTION LAWS OF SOUTH CAROLINA

6. LAWS SPECIFIC TO FARMED ANIMALS

Editor's Note: *This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.*

S.C. CODE § 16-11-510. Malicious injury to animals and other personal property.

- (A) *It is unlawful for a person to willfully and maliciously cut, shoot, maim, wound, or otherwise injure or destroy any horse, mule, cattle, hog, sheep, goat, or any other kind, class, article, or description of personal property, or the goods and chattels of another.*
- (B) *A person who violates the provisions of this section is guilty of a:*
 - (1) *felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth ten thousand dollars or more;*
 - (2) *felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the injury to the property or the property loss is worth more than two thousand dollars but less than ten thousand dollars;*
 - (3) *misdemeanor triable in magistrate's court or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, if the injury to the property or the property loss is worth two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned, not more than thirty days, or both.*

S.C. CODE § 47-1-60. Cutting muscles of tails of horses, asses, mules, mares, or geldings prohibited.

Any person who (a) cuts the tissue or muscle of the tail of any horse, ass, mule, mare or gelding, or otherwise operates upon it in any manner for the purpose or with the effect of altering the natural carriage of the tail, except when such cutting or operation is necessary for the health or life of the animal, as certified to in writing by a licensed veterinarian, (b) causes, procures or knowingly permits such cutting or operation to be done or (c) assists in or is voluntarily present at such cutting or operation shall be guilty of a misdemeanor. Any person convicted of violating any of the provisions of this section shall be fined not less than fifty nor more than one hundred dollars or imprisoned not less than fifteen nor more than thirty days.

S.C. CODE § 47-1-125. Coloring or dyeing animals prohibited; sale or distribution of certain young animals prohibited; penalty.

- (1) *It is unlawful for any person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into this State.*

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- (2) It is unlawful for any person to sell, offer for sale or give away as merchandising premiums, baby chickens, ducklings or other fowl under four weeks of age or rabbits under two months of age to be used as pets, toys or retail premiums.
- (3) This section shall not be construed to apply to any animal or fowl, including but not limited to rabbits, baby chickens and ducklings to be used or raised for agricultural purposes by persons with proper facilities to care for them or for poultry or livestock exhibitions.
- (4) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars or imprisoned for not more than thirty days.

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7. CRUEL HUNTING, TRAPPING, AND FISHING

Editor's Note: *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

S.C. CODE § 50-11-22. Harming actively nesting waterfowl or disturbing nest or nest box; penalties.

- (A) *It is unlawful to harm, disturb, molest, or take an actively nesting waterfowl, its nest, or eggs, including the male, except by permit issued by the federal government or its agent.*
- (B) *It is unlawful to disturb, damage, or destroy the nest including a nest box or eggs of any waterfowl except by permit issued by the federal government or its agent. Provided, nothing in this section prohibits inspection of nests for biological purposes.*

Any person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred nor more than five hundred dollars or imprisoned for up to thirty days. In addition, anyone convicted forfeits all hunting and fishing privileges for one year.

S.C. CODE § 50-11-840. Destroying active wild bird nest or eggs; permit for removal.

- (A) *No person may take or destroy, or attempt to take or destroy, an active nest or the eggs of a wild bird or have an active nest or eggs in his possession, except pursuant to a permit issued by the department. An "active nest" means a nest with birds or eggs present.*
- (B) *The department may issue a permit for the removal of an active nest or eggs that constitute a public safety threat or when birds are causing damage to property.*

S.C. CODE § 50-11-852. Unlawful to molest or kill birds of prey; bald eagles; penalties.

It is unlawful for any person to molest or kill any of the birds of prey within this State. Birds of prey include all hawks, eagles, falcons, kites, vultures, owls, and ospreys. Anyone violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. However, if the bird of prey is a bald eagle, the person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or be imprisoned for not less than thirty days nor more than one year, or both.

If the bird of prey is a bald eagle, the person convicted shall also lose his privilege to hunt in this State for a period of five years from the date he is convicted of this offense if the bald eagle was killed and for a period of five years if the bald eagle was molested. "Convicted" for purposes of this section includes a plea of guilty or nolo contendere to the offense.

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S.C. CODE § 50-11-2440. Frequency of visitations.

A trapper must visit his traps at least once each day from two hours before sunrise to two hours after sunset and remove any animal caught with the exception that a trapper must visit body gripping traps when used in water sets and other traps when used in "submersion sets" at least once every forty-eight hours.

S.C. CODE § 50-11-2460. Traps allowed for trapping; traps to bear owner's name and address.

- (A) Only the following traps are allowed for trapping unless otherwise provided in this title:
 - (1) body gripping traps (generally known by the brand name "Conibear") when used without bait for vertical water sets and vertical slide sets only;
 - (2) live traps, which also may be used to capture feral animals at any time without a license or permit from the department;
 - (3) foot-hold traps having an inside jaw spread of 5.75 inches or smaller when measured perpendicular to the pivot points when the trap is in the set position for land sets and 7.25 inches or smaller when measured perpendicular to the pivot points when the trap is in the set position for water sets;
 - (4) enclosed foot-hold traps such as the "Duffer", "egg", "coon-cuff", and similarly designed dog-proof style traps designed for raccoons;
 - (5) snares may be used for water sets only; small snap, box, and other commonly used traps to capture commensal rodents or snakes in homes and businesses may be used by property owners, occupants, or their designees, at any time to capture snakes, rats, or mice.
- (B) *All other traps, including "deadfall" traps, are unlawful unless expressly authorized by the department by regulation.*
- (C) All traps must bear the owner's name and address or department-issued customer number either directly thereon or by an attached identification tag.

S.C. CODE § 50-13-80. Taking fish by snagging.

- (A) *It is unlawful to take fish by snagging. Nothing in this section prohibits the use of lures or baited hooks.*
- (B) *It is unlawful to take trout by snagging.*

S.C. CODE § 50-13-310. Game fish caught with nets or other nongame fishing devices must be returned to water.

A game fish taken by net or other nongame fishing device, except for landing nets (dip nets), must be returned immediately to the water from whence it came. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars or imprisoned for not more than thirty days. Any equipment used in committing the offense must be

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seized and disposed of as provided by law.

S.C. CODE § 50-13-325. Nongame gill nets; season; size and placement; sturgeon.

(A) [omitted]

(B) Nongame fish taken in shad nets lawfully fished during the open season for taking shad may be kept. A sturgeon caught must be returned immediately to the waters from where it was taken.

S.C. CODE § 50-13-1410. Pollution of waters injuring fish and shellfish unlawful; enforcement.

It shall be unlawful for any person to throw, run, drain or deposit any dyestuffs, coal tar, oil, sawdust, poison or other deleterious substance in any of the waters, either fresh or salt, which are frequented by game fish within the territorial jurisdiction of this State in quantities sufficient to injure, stupefy or kill any fish or shellfish or be destructive to their spawn which may inhabit such waters, and the master or captain in charge of any boat, ship or vessel shall be responsible for the discharge of any of such substances from his vessel. Any person convicted of violating this section shall be fined not less than three hundred dollars nor more than one thousand dollars or imprisoned not less than three months nor more than one year, or both fined and imprisoned in the discretion of the court. The department shall diligently enforce this section.

S.C. CODE § 50-13-1420. Poisoning waters, or producing electric currents or physical shocks to catch fish unlawful.

It is unlawful to poison the streams or waters of the State in any manner whatsoever for the purpose of taking fish or to introduce, produce or set up electrical currents or physical shocks, pressures or disturbances therein for the purpose of taking fish. The muddying of streams or ponds or the introduction of any substance which results in making the fish sick, so that they may be caught, is hereby declared to be "poisoning" in the sense of this section. No sawdust, acid or other injurious substance shall be discharged into any of the streams of the State where fish breed or abound. For a violation of this section the person so violating it shall be fined not less than twenty-five dollars nor more than three hundred dollars or be imprisoned for not less than one day nor more than thirty days.

S.C. CODE § 50-13-1440. Using explosives to take fish unlawful.

It shall be unlawful for any person to use dynamite, gun powder, lime or any other explosive in or about any of the streams or waters in this State to take or secure fish, to cause or to procure the same to be done, to aid, assist or abet anyone in so doing or to have in his possession dynamite or any other explosive or explosive device in any paddling boat, sailboat, motorboat, raft or barge usually used for fresh-water fishing in any of the rivers, lakes, streams or waters within this State. Any person using explosives for the taking of fish or having in

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his possession explosives in a paddling boat, motorboat, sailboat, raft or barge commonly used for fresh-water fishing in any of the rivers, lakes, streams or waters within this State shall be guilty of a misdemeanor and, upon his conviction, shall be sentenced to serve a term at hard labor on the chain gang or in the Penitentiary or to pay a fine as follows, to wit: For the first offense a period of not more than three months or a fine of not more than five hundred dollars; for the second offense a period of one year or a fine of one thousand dollars; and for the third offense a period of two years or a fine of two thousand five hundred dollars.

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8. CROSS REPORTING

[None]

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9. VETERINARY REPORTING

S.C. CODE § 47-1-75. Immunity from civil and criminal liability.

Any person, including a person licensed to practice veterinary medicine, or an animal control officer or agent of the South Carolina Society for the Prevention of Cruelty to Animals or any society incorporated for that purpose, who in good faith and without compensation for services provided, acting without malice, recklessness, or gross negligence, renders emergency care or treatment to a domestic animal which is abandoned, ill, injured, or in distress related to an accident or disaster shall not be liable or subject to any civil or criminal liability for any injuries or harm to such animal resulting from the rendering of such care or treatment, or any act or failure to act to provide or arrange for further medical treatment or care for such animal.

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10. "AG-GAG" LAWS

[None]

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11. EMERGENCY RESCUE AND RELIEF

[None]

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12. CIVIL ENFORCEMENT

[None]

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13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

S.C. Code § 20-4-60. Order of protection; contents.

- (A) Any order of protection granted under this chapter shall be to protect the petitioner or the abused person or persons on whose behalf the petition was filed and may include:
- a. temporarily enjoining the respondent from abusing, threatening to abuse, or molesting the petitioner or the person or persons on whose behalf the petition was filed;
 - b. temporarily enjoining the respondent from communicating or attempting to communicate with the petitioner in any way which would violate the provisions of this chapter and temporarily enjoining the respondent from entering or attempting to enter the petitioner's place of residence, employment, education, or other location as the court may order.
- (B) Every order of protection issued pursuant to this chapter shall conspicuously bear the following language:
- (1) "Violation of this order is a criminal offense punishable by thirty days in jail or a fine of two hundred dollars or may constitute contempt of court punishable by up to one year in jail and/or a fine not to exceed fifteen hundred dollars." And
 - (2) "Pursuant to Section 16-25-125 of the South Carolina Code of Laws, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person's household member resides or the domestic violence shelter's administrative offices. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both."
- (C) When the court has, after a hearing for any order of protection, issued an order of protection, it may, in addition:
- (1) award temporary custody and temporary visitation rights with regard to minor children living in the home over whom the parties have custody;
 - (2) direct the respondent to pay temporary financial support for the petitioner and minor child unless the respondent has no duty to support the petitioner or minor child;
 - (3) when the respondent has a legal duty to support the petitioner or minor children living in the household and the household's residence is jointly leased or owned by the parties or the respondent is the sole owner or lessee, grant temporary possession to the petitioner of the residence to the exclusion of the respondent;
 - (4) prohibit the transferring, destruction, encumbering, or otherwise disposing of real or personal property mutually owned or leased by the parties or in which one party claims an equitable interest, except when in the ordinary course of business;
 - (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

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- petitioner if the respondent's eviction has not been ordered;
- (6) award costs and attorney's fees to either party;
- (7) award any other relief authorized by Section 63-3-530; provided, however, the court must have due regard for any prior family court orders issued in an action between the parties;
- (8) *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.*
- (D) No protective order issued pursuant to this chapter may, in any manner, affect the title to real property.
- (E) No mutual order of protection may be granted unless the court sets forth findings of fact necessitating the mutual order or unless both parties consent to a mutual order.
- (F) If mutual orders of protection have been entered that do not comply with the provisions of this section a petitioner may request the order be vacated and all records of the order be destroyed.

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14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

NOTE: Almost all penalties are defined in the substantive statutes, available in the General Cruelty, Animal Fighting, and Sexual Assault sections of this document.

S.C. Code § 22-3-550. Jurisdiction over minor offenses; restitution; contempt; maximum consecutive sentences.

- (A) *Magistrates have jurisdiction of all offenses which may be subject to the penalties of a fine or forfeiture not exceeding five hundred dollars, or imprisonment not exceeding thirty days, or both.* In addition, a magistrate may order restitution in an amount not to exceed the civil jurisdictional amount provided in Section 22-3-10(2). In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule.
- A magistrate may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay. In addition, a magistrate may convert any unpaid restitution, fines, costs, fees, surcharges, and assessments to a civil judgment as provided in Section 17-25-323(C).
- (B) However, a magistrate does not have the power to sentence a person to consecutive terms of imprisonment totaling more than ninety days except for convictions resulting from violations of Chapter 11, Title 34, pertaining to fraudulent checks, or violations of Section 16-13-110(B)(1), relating to shoplifting. Further, a magistrate must specify an amount of restitution in damages at the time of sentencing as an alternative to any imprisonment of more than ninety days which is lawfully imposed. The provisions of this subsection do not affect the transfer of criminal matters from the general sessions court made pursuant to Section 22-3-545.

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15. LAW ENFORCEMENT POLICIES

S.C. CODE § 47-1-130. Arrest for violation of laws prohibiting cruelty to animals.

- (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.*

S.C. CODE § 47-1-225. Animal cruelty instruction for certain judges.

Every four years, at their mandatory continuing legal education programs, magistrates and municipal court judges must receive at least two hours of instruction on issues concerning animal cruelty. The content of the continuing legal education must be determined by the South Carolina Court Administration at the direction of the Chief Justice of the South Carolina Supreme Court.

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16. SEIZURE

S.C. CODE § 16-27-55. Forfeiture of property of one found in violation of act.

- (A) A person who violates a provision of this chapter is subject to forfeiture of:
 - (1) property, both real and personal, which is knowingly used to engage in a violation or to further a violation of this chapter; and
 - (2) monies, negotiable instruments, securities, or other things of value furnished or intended to be furnished by a person to engage in or further a violation of this chapter.
- (B) *Property subject to forfeiture pursuant to the provisions of this chapter may be seized by the appropriate law enforcement agency with a warrant properly issued by a court with jurisdiction over the property. Property may be seized without a warrant if the:*
 - (1) *seizure is incident to an arrest or a search with a search warrant or an inspection under an administrative inspection warrant;*
 - (2) *property subject to seizure was the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding pursuant to the provisions of this chapter;*
 - (3) *law enforcement agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or*
 - (4) *law enforcement agency has probable cause to believe that the property was used or is intended to be used in violation of the provisions of this chapter.*
- (C) Forfeiture proceedings instituted pursuant to the provisions of this section are subject to the procedures and requirements for forfeiture as set out in Section 44-53-530.
- (D) Property taken or detained pursuant to the provisions of this section is not subject to replevin but is considered to be in the custody of the law enforcement agency making the seizure subject only to an order of the court having jurisdiction over the forfeiture proceedings.
- (E) *For purposes of this section, when the seizure of property subject to forfeiture is accomplished as a result of a joint effort by more than one law enforcement agency, the law enforcement agency initiating the investigation is considered to be the agency making the seizure.*
- (F) *A law enforcement agency seizing property pursuant to the provisions of this section shall take reasonable steps to maintain the property. Equipment and conveyances seized must be removed to an appropriate place for storage. Monies seized must be deposited in an interest bearing account pending final disposition by the court unless the seizing agency determines the monies to be of an evidential nature and provides for appropriate security in another manner.*
- (G) *When property, monies, negotiable instruments, securities, or other things of value are seized pursuant to the provisions of subsection (A), the law enforcement agency making the seizure, within ten days or a reasonable period of time after the seizure, shall submit a report to the appropriate prosecuting agency.*
 - (1) *The report must include the following information:*
 - (a) *a description of the property seized;*
 - (b) *the circumstances of the seizure;*
 - (c) *the present custodian and where the property is being stored or its location;*
 - (d) *the name of the owner of the property;*

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- (e) *the name of any lienholders of the property; and*
 - (f) *the seizing agency.*
- (2) *If the property is a conveyance, the report must include the:*
 - (a) *make, model, serial number, and year of the conveyance;*
 - (b) *person in whose name the conveyance is registered; and*
 - (c) *name of any lienholders.*
- (3) *In addition to the report provided for in items (1) and (2) of this subsection, the appropriate law enforcement agency shall prepare for dissemination to the public, upon request, a report providing the following information:*
 - (a) *a description of the quantity and nature of the property and money seized;*
 - (b) *the seizing agency;*
 - (c) *the make, model, and year of a conveyance; and*
 - (d) *the law enforcement agency responsible for the property or conveyance seized.*
- (H) *Property or conveyances seized by a law enforcement agency may not be used by officers or employees of the agency for personal purposes.*
- (I)
 - (1) An innocent owner or a manager or owner of a licensed rental agency or a common carrier or carrier of goods for hire may apply to the court of common pleas for the return of an item seized pursuant to the provisions of this chapter. Notice of hearing or rule to show cause accompanied by copy of the application must be directed to all persons and agencies entitled to notice as provided in Section 44-53-530. If the court denies the application, the hearing may proceed as a forfeiture hearing held pursuant to the provisions of Section 44-53-530.
 - (2) The court may return a seized item to the owner if the owner demonstrates to the court by a preponderance of the evidence:
 - (a) in the case of an innocent owner, that the person or entity was not a consenting party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture; or
 - (b) in the case of a manager or an owner of a licensed rental agency, a common carrier, or a carrier of goods for hire, that an agent, servant, or employee of the rental agency or of the common carrier or carrier of goods for hire was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.
 - (3) If the licensed rental agency demonstrates to the court that it has rented the seized property in the ordinary course of its business and that the tenant or tenants were not related within the third degree of kinship to the manager or owner, or any agents, servants, or employees of the rental agency, then it is presumed that the licensed rental agency was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.
 - (4) The lien of an innocent person or other legal entity, recorded in public records, continues in force upon transfer of title of a forfeited item, and a transfer of title is subject to the lien if the lienholder demonstrates to the court by a preponderance of the evidence that he was not a consenting party to, or privy to, or did not have knowledge of, the involvement of the property which made it subject to seizure and forfeiture.

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S.C. CODE § 47-1-120. Custody of animals in charge of arrested persons.

When a person arrested is, at the time of the arrest, in charge of an animal, an agent of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for that purpose, may take charge of the animal and deposit the animal in a safe place of custody or deliver the animal into the possession of the police or sheriff of the county or place where the arrest was made, who shall assume the custody of the animal; and all necessary expenses incurred in taking charge of the animal shall be a lien thereon.

S.C. CODE § 47-1-140. Care of animals after arrest of person in charge.

The law enforcement officer making the arrest, with or without warrant, shall use reasonable diligence to give notice thereof to the owner of the animals found in the charge or custody of the person arrested, if such 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.

S.C. CODE § 47-1-150. Issuance of search warrant; purpose of section; motions regarding custody of animal; notice; care, disposal of, or return of animal.

- (A) *When complaint is made on oath or affirmation to any magistrate authorized to issue warrants in criminal cases that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been or are being violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, deputy state constable, constable or police officer to search such building or place; but no search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown. If an animal is seized pursuant to this section and the South Carolina Society for the Prevention of Cruelty to Animals, or other society incorporated for that purpose is involved with the seizure, the animal may be held pending criminal disposition of the case at a facility maintained or contracted by that agency.*
- (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.*
- (C) *Any law enforcement officer or any agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or any society incorporated for that purpose may move before a*

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magistrate for an order to:

- (1) *lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location if deemed by the court that removal is necessary to prevent further suffering or ill-treatment, or*
 - (2) *order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall forthwith petition the magistrate or municipal judge of the county or municipality wherein the animal is found for a hearing, to be set within twenty-four hours after the date of seizure of the animal or issuance of the order to provide care and held not more than two days after the setting of such date, to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal. The hearing shall be concluded, and the court order entered the date the hearing is commenced. No fee shall be charged for the filing of the petition. Nothing herein is intended to require court action for the taking into custody and making proper disposition of stray or abandoned animals as lawfully performed by animal control agents.*
- (D) The officer or agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for that purpose, taking charge of any animal pursuant to the provisions of this section shall have written notice served prior to the hearing set forth in subsection (C)(2), upon the owner of the animal, if he is known and is residing in the county where the animal was taken. The sheriff of the county shall not charge a fee for service of such notice. If the owner of the animal is known but is residing outside of the county wherein the animal was taken, notice of the hearing shall be by publication.
- (E) If any seized animal held by court order at the owner's premises is removed without notification to the investigating agency, or if an animal becomes sick or dies, and the owner or custodian fails to immediately notify the investigating agency, the owner must be held in contempt of court and fined up to the penalties provided by law.
- (F) *The officer or agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for that purpose, taking charge of an animal as provided for in this section shall provide for the animal until either:*
- (1) *The owner is adjudged by the court to be able to provide adequately for, and have custody of, the animal, in which case the animal shall be returned to the owner upon payment for the care and provision of the animal while in the agent's or officer's custody; or*
 - (2) *The animal is turned over to the officer or agent as provided in Section 47-1-170 and a humane disposition of the animal is made.*
- (G) If the court determines that the owner is able to provide adequately for, and have custody of the animal, the order shall provide that the animal in possession of the officer or agent be claimed and removed by the owner within seven days after the date of the order.

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17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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18. RESTITUTION

S.C. CODE § 16-27-55. Forfeiture of property of one found in violation of act.

- (A) A person who violates a provision of this chapter is subject to forfeiture of:
 - (1) property, both real and personal, which is knowingly used to engage in a violation or to further a violation of this chapter; and
 - (2) monies, negotiable instruments, securities, or other things of value furnished or intended to be furnished by a person to engage in or further a violation of this chapter.
- (B) Property subject to forfeiture pursuant to the provisions of this chapter may be seized by the appropriate law enforcement agency with a warrant properly issued by a court with jurisdiction over the property. Property may be seized without a warrant if the:
 - (1) seizure is incident to an arrest or a search with a search warrant or an inspection under an administrative inspection warrant;
 - (2) property subject to seizure was the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding pursuant to the provisions of this chapter;
 - (3) law enforcement agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or
 - (4) law enforcement agency has probable cause to believe that the property was used or is intended to be used in violation of the provisions of this chapter.
- (C) Forfeiture proceedings instituted pursuant to the provisions of this section are subject to the procedures and requirements for forfeiture as set out in Section 44-53-530.
- (D) Property taken or detained pursuant to the provisions of this section is not subject to replevin but is considered to be in the custody of the law enforcement agency making the seizure subject only to an order of the court having jurisdiction over the forfeiture proceedings.
- (E) For purposes of this section, when the seizure of property subject to forfeiture is accomplished as a result of a joint effort by more than one law enforcement agency, the law enforcement agency initiating the investigation is considered to be the agency making the seizure.
- (F) A law enforcement agency seizing property pursuant to the provisions of this section shall take reasonable steps to maintain the property. Equipment and conveyances seized must be removed to an appropriate place for storage. Monies seized must be deposited in an interest bearing account pending final disposition by the court unless the seizing agency determines the monies to be of an evidential nature and provides for appropriate security in another manner.
- (G) When property, monies, negotiable instruments, securities, or other things of value are seized pursuant to the provisions of subsection (A), the law enforcement agency making the seizure, within ten days or a reasonable period of time after the seizure, shall submit a report to the appropriate prosecuting agency.
 - (1) The report must include the following information:
 - (a) a description of the property seized;
 - (b) the circumstances of the seizure;
 - (c) the present custodian and where the property is being stored or its location;
 - (d) the name of the owner of the property;

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- (e) the name of any lienholders of the property; and
 - (f) the seizing agency.
- (2) If the property is a conveyance, the report must include the:
 - (a) make, model, serial number, and year of the conveyance;
 - (b) person in whose name the conveyance is registered; and
 - (c) name of any lienholders.
- (3) In addition to the report provided for in items (1) and (2) of this subsection, the appropriate law enforcement agency shall prepare for dissemination to the public, upon request, a report providing the following information:
 - (a) a description of the quantity and nature of the property and money seized;
 - (b) the seizing agency;
 - (c) the make, model, and year of a conveyance; and
 - (d) the law enforcement agency responsible for the property or conveyance seized.
- (H) Property or conveyances seized by a law enforcement agency may not be used by officers or employees of the agency for personal purposes.
- (I)
 - (1) *An innocent owner or a manager or owner of a licensed rental agency or a common carrier or carrier of goods for hire may apply to the court of common pleas for the return of an item seized pursuant to the provisions of this chapter. Notice of hearing or rule to show cause accompanied by copy of the application must be directed to all persons and agencies entitled to notice as provided in Section 44-53-530. If the court denies the application, the hearing may proceed as a forfeiture hearing held pursuant to the provisions of Section 44-53-530.*
 - (2) *The court may return a seized item to the owner if the owner demonstrates to the court by a preponderance of the evidence:*
 - (a) *in the case of an innocent owner, that the person or entity was not a consenting party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture; or*
 - (b) *in the case of a manager or an owner of a licensed rental agency, a common carrier, or a carrier of goods for hire, that an agent, servant, or employee of the rental agency or of the common carrier or carrier of goods for hire was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.*
 - (3) *If the licensed rental agency demonstrates to the court that it has rented the seized property in the ordinary course of its business and that the tenant or tenants were not related within the third degree of kinship to the manager or owner, or any agents, servants, or employees of the rental agency, then it is presumed that the licensed rental agency was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.*
 - (4) *The lien of an innocent person or other legal entity, recorded in public records, continues in force upon transfer of title of a forfeited item, and a transfer of title is subject to the lien if the lienholder demonstrates to the court by a preponderance of the evidence that he was not a consenting party to, or privy to, or did not have knowledge of, the involvement of the property which made it subject to seizure and forfeiture.*

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S.C. CODE § 47-1-120. Custody of animals in charge of arrested persons.

When a person arrested is, at the time of the arrest, in charge of an animal, an agent of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for that purpose, may take charge of the animal and deposit the animal in a safe place of custody or deliver the animal into the possession of the police or sheriff of the county or place where the arrest was made, who shall assume the custody of the animal; *and all necessary expenses incurred in taking charge of the animal shall be a lien thereon.*

S.C. CODE § 47-1-140. Care of animals after arrest of person in charge.

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 such 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 not prosessed 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.

S.C. CODE § 47-1-170. Penalties, fines and costs constitute lien on animal cruelly treated.

The owner or person having charge or custody of an animal cruelly used who is convicted of any violation of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, *the person who is charged with or convicted of a violation of this chapter must be ordered to pay costs incurred to care for the animal and related expenses.*

S.C. CODE § 47-1-145. Custody and care of animal after arrest; custodial costs.

- (A) *Any person, organization, or other entity that is awarded custody of an animal under the provisions of Section 47-1-150 because of the arrest of a defendant for a violation of any provision of Chapter 1, Title 47 or Chapter 27, Title 16 and that provides services to the animal without compensation may file a petition with the court requesting that the defendant, if found guilty, be ordered to deposit funds in an amount sufficient to secure payment of all the reasonable expenses incurred by the custodian in caring for and providing for the animal pending the disposition of the litigation.* In the absence of a conviction, the county or municipality making the arrest shall pay the reasonable expenses of the custodian. For purposes of this section, “court” refers to municipal or magistrates court, and “reasonable expenses” includes the cost of providing food, water, shelter, and care, including medical care, but does not include extraordinary medical procedures.

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(B) The court shall, at the time of adjudication, determine the actual cost of care for the animal that the custodian incurred pursuant to subsection (A). Either party may demand that the trial be given priority over other cases.

(C)

- (1) If the court makes a final determination of the charges or claims against the defendant in his favor, then the defendant may recover custody of his animal.
- (2) If the defendant is found guilty, then the custodian of the animal may then determine if the animal is suitable for adoption and if adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household if the defendant was found guilty. If no adoption can be arranged after the forfeiture or if the animal is unsuitable for adoption, then the custodian shall humanely euthanize the animal.

(D) *Within thirty days of an animal's impoundment, the animal's custodian must provide a good faith estimate, pursuant to subsection (A), of the daily custodial cost of the impounded animal. Upon receipt of the good faith estimate, the court shall then issue a notice to the defendant about his impounded animal that includes:*

- (1) an estimate of the daily custodial costs required to care for the animal;*
- (2) a statement that the defendant, if found guilty, shall be required to pay for the animal's care during impoundment; and*
- (3) a statement that the defendant, at any time prior to final adjudication, has the right to forfeit ownership of the animal and avoid all future custodial costs related to the animal's care but not costs already accrued.*

The remedy provided for in this section is in addition to any other remedy provided by the law.

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19. FORFEITURE AND POSSESSION BANS

S.C. CODE § 16-27-50. Applicability of cruelty provisions; presumption of cruelty.

- (A) *The provisions of Section 47-1-150 apply to this chapter.*
- (B) *For purposes of a hearing to determine whether the owner is able to provide adequately for the animal and is fit to have custody of the animal, any animal found to be owned, trained, possessed, purchased, sold, transported, or bred in violation of this chapter must be considered cruelly treated and the owner must be deemed unfit.*

S.C. CODE § 16-27-55. Forfeiture of property of one found in violation of act.

- (A) *A person who violates a provision of this chapter is subject to forfeiture of:*
 - (1) *property, both real and personal, which is knowingly used to engage in a violation or to further a violation of this chapter; and*
 - (2) *monies, negotiable instruments, securities, or other things of value furnished or intended to be furnished by a person to engage in or further a violation of this chapter.*
- (B) *Property subject to forfeiture pursuant to the provisions of this chapter may be seized by the appropriate law enforcement agency with a warrant properly issued by a court with jurisdiction over the property. Property may be seized without a warrant if the:*
 - (1) *seizure is incident to an arrest or a search with a search warrant or an inspection under an administrative inspection warrant;*
 - (2) *property subject to seizure was the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding pursuant to the provisions of this chapter;*
 - (3) *law enforcement agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or*
 - (4) *law enforcement agency has probable cause to believe that the property was used or is intended to be used in violation of the provisions of this chapter.*
- (C) *Forfeiture proceedings instituted pursuant to the provisions of this section are subject to the procedures and requirements for forfeiture as set out in Section 44-53-530.*
- (D) *Property taken or detained pursuant to the provisions of this section is not subject to replevin but is considered to be in the custody of the law enforcement agency making the seizure subject only to an order of the court having jurisdiction over the forfeiture proceedings.*
- (E) *For purposes of this section, when the seizure of property subject to forfeiture is accomplished as a result of a joint effort by more than one law enforcement agency, the law enforcement agency initiating the investigation is considered to be the agency making the seizure.*
- (F) *A law enforcement agency seizing property pursuant to the provisions of this section shall take reasonable steps to maintain the property. Equipment and conveyances seized must be removed to an appropriate place for storage. Monies seized must be deposited in an interest bearing account pending final disposition by the court unless the seizing agency determines the monies to be of an evidential nature and provides for appropriate security in another manner.*

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- (G) When property, monies, negotiable instruments, securities, or other things of value are seized pursuant to the provisions of subsection (A), the law enforcement agency making the seizure, within ten days or a reasonable period of time after the seizure, shall submit a report to the appropriate prosecuting agency.
- (1) The report must include the following information:
 - (a) a description of the property seized;
 - (b) the circumstances of the seizure;
 - (c) the present custodian and where the property is being stored or its location;
 - (d) the name of the owner of the property;
 - (e) the name of any lienholders of the property; and
 - (f) the seizing agency.
 - (2) If the property is a conveyance, the report must include the:
 - (a) make, model, serial number, and year of the conveyance;
 - (b) person in whose name the conveyance is registered; and
 - (c) name of any lienholders.
 - (3) In addition to the report provided for in items (1) and (2) of this subsection, the appropriate law enforcement agency shall prepare for dissemination to the public, upon request, a report providing the following information:
 - (a) a description of the quantity and nature of the property and money seized;
 - (b) the seizing agency;
 - (c) the make, model, and year of a conveyance; and
 - (d) the law enforcement agency responsible for the property or conveyance seized.
- (H) Property or conveyances seized by a law enforcement agency may not be used by officers or employees of the agency for personal purposes.
- (I)
- (1) An innocent owner or a manager or owner of a licensed rental agency or a common carrier or carrier of goods for hire may apply to the court of common pleas for the return of an item seized pursuant to the provisions of this chapter. Notice of hearing or rule to show cause accompanied by copy of the application must be directed to all persons and agencies entitled to notice as provided in Section 44-53-530. If the court denies the application, the hearing may proceed as a forfeiture hearing held pursuant to the provisions of Section 44-53-530.
 - (2) The court may return a seized item to the owner if the owner demonstrates to the court by a preponderance of the evidence:
 - (a) in the case of an innocent owner, that the person or entity was not a consenting party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture; or
 - (b) in the case of a manager or an owner of a licensed rental agency, a common carrier, or a carrier of goods for hire, that an agent, servant, or employee of the rental agency or of the common carrier or carrier of goods for hire was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.
 - (3) If the licensed rental agency demonstrates to the court that it has rented the seized property in the ordinary course of its business and that the tenant or tenants were not related within the

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third degree of kinship to the manager or owner, or any agents, servants, or employees of the rental agency, then it is presumed that the licensed rental agency was not a party to, or privy to, or did not have knowledge of, the use of the property which made it subject to seizure and forfeiture.

- (4) The lien of an innocent person or other legal entity, recorded in public records, continues in force upon transfer of title of a forfeited item, and a transfer of title is subject to the lien if the lienholder demonstrates to the court by a preponderance of the evidence that he was not a consenting party to, or privy to, or did not have knowledge of, the involvement of the property which made it subject to seizure and forfeiture.

S.C. CODE § 47-1-150. Issuance of search warrant; purpose of section; motions regarding custody of animal; notice; care, disposal of, or return of animal.

- (A) When complaint is made on oath or affirmation to any magistrate authorized to issue warrants in criminal cases that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been or are being violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, deputy state constable, constable or police officer to search such building or place; but no search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown. If an animal is seized pursuant to this section and the South Carolina Society for the Prevention of Cruelty of Animals, or other society incorporated for that purpose is involved with the seizure, the animal may be held pending criminal disposition of the case at a facility maintained or contracted by that agency.
- (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.
- (C) Any law enforcement officer or any agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or any society incorporated for that purpose may move before a magistrate for an order to:
 - (1) lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location if deemed by the court that removal is necessary to prevent further suffering or ill-treatment, or

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- (2) order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall forthwith petition the magistrate or municipal judge of the county or municipality wherein the animal is found for a hearing, to be set within twenty-four hours after the date of seizure of the animal or issuance of the order to provide care and held not more than two days after the setting of such date, to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal. The hearing shall be concluded, and the court order entered the date the hearing is commenced. No fee shall be charged for the filing of the petition. Nothing herein is intended to require court action for the taking into custody and making proper disposition of stray or abandoned animals as lawfully performed by animal control agents.
- (D) The officer or agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for that purpose, taking charge of any animal pursuant to the provisions of this section shall have written notice served prior to the hearing set forth in subsection (C)(2), upon the owner of the animal, if he is known and is residing in the county where the animal was taken. The sheriff of the county shall not charge a fee for service of such notice. If the owner of the animal is known but is residing outside of the county wherein the animal was taken, notice of the hearing shall be by publication.
- (E) If any seized animal held by court order at the owner's premises is removed without notification to the investigating agency, or if an animal becomes sick or dies, and the owner or custodian fails to immediately notify the investigating agency, the owner must be held in contempt of court and fined up to the penalties provided by law.
- (F) *The officer or agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for that purpose, taking charge of an animal as provided for in this section shall provide for the animal until either:*
- (1) *The owner is adjudged by the court to be able to provide adequately for, and have custody of, the animal, in which case the animal shall be returned to the owner upon payment for the care and provision of the animal while in the agent's or officer's custody; or*
 - (2) *The animal is turned over to the officer or agent as provided in Section 47-1-170 and a humane disposition of the animal is made.*
- (G) If the court determines that the owner is able to provide adequately for, and have custody of the animal, the order shall provide that the animal in possession of the officer or agent be claimed and removed by the owner within seven days after the date of the order.

S.C. CODE § 47-1-170. Penalties, fines and costs constitute lien on animal cruelly treated.

The owner or person having charge or custody of an animal cruelly used who is convicted of any violation of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person who is charged with or convicted of a violation of this chapter must be ordered to pay costs incurred to care for the animal and related expenses.

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20. REHABILITATIVE SENTENCING

[None]