

# SOUTH CAROLINA ANIMAL CRUELTY LAWS<sup>1</sup>

## Introduction

In South Carolina, the majority of the basic animal cruelty laws are contained within Title 47 of the South Carolina Code of Laws. Title 16, which encompasses crimes and offenses, includes the Animal Fighting and Baiting Act. The State has comprehensive wildlife protection laws, which are enumerated in Title 50.

## Overview of Statutory Provisions

1. **ANIMAL CRUELTY LAWS:** S.C. CODE ANN. §§ 47-1-40, -50, -60, -70, -80, -90, -100, -120, -125, -150, -200, -210 (1976).
2. **DOGS AND OTHER DOMESTIC PETS:** S.C. CODE ANN. §§ 47-3-50, -110, -540, -610, -620, -740, -930, -940 (1976).
3. **SEXUAL ASSAULT:** S.C. CODE ANN. § 16-15-120 (1976).
4. **THE ANIMAL FIGHTING AND BAITING ACT:** S.C. CODE ANN. §§ 16-27-30, -40, -50, -80 (1986).
5. **VETERINARIANS:** S.C. CODE ANN. §§ 40-69-110, -280 (1976).
6. **RABIES CONTROL ACT:** S.C. CODE ANN. §§ 47-5-100, -120, -210 (1976).
7. **WILDLIFE PROTECTION LAWS:** S.C. CODE ANN. §§ 50-1-270, 50-11-840, -851, -852, -930 (1976).
8. **PENALTIES:** S.C. CODE ANN. §§ 47-1-110, -130, -170, 47-3-530, -630, -760, -960, -970 & 16-27-55 (1976).

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## 1. ANIMAL CRUELTY LAWS

### **S.C. CODE ANN. § 47-1-40 (1976). Ill-treatment of animals generally.**

(A) Whoever knowingly or intentionally overloads, overdrives, overworks, ill-treats any animal<sup>2</sup>, deprives any animal of necessary sustenance<sup>3</sup> or shelter,<sup>4</sup> inflicts unnecessary pain or suffering upon any animal, or by omission or commission knowingly or intentionally causes these things to be done, for every offense is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding sixty days or by a fine of not less than one hundred dollars nor more than five hundred dollars, or both, for a first offense; by imprisonment not exceeding ninety days or by a fine not exceeding eight hundred dollars, or both, for a second offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a third or subsequent offense. Notwithstanding any other provision of law, a first offense under this subsection shall be tried in magistrate's or municipal court.

(B) Whoever tortures, torments, needlessly mutilates, cruelly kills, or inflicts excessive or repeated unnecessary pain or suffering upon any animal or by omission or commission causes the acts to be done for any of the offenses 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 silvicultural 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.

### **No Applicable Case Law.**

### **S.C. CODE ANN. § 47-1-50 (1976). Cruel work; carriage in vehicles.**

(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).

### **Applicable Case Law:**

*State v. Browning*, 70 S.C. 466 (1905).

**Facts:** A mule was cruelly worked when it was unfit for labor, with the knowledge and permission of the defendant, who was the owner of the mule.

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<sup>2</sup> “‘Animal’ means a living vertebrate creature except a homo sapien.” S.C. CODE ANN. § 47-1-10 (1976).

<sup>3</sup> “‘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.” S.C. CODE ANN. § 47-1-10 (1976).

<sup>4</sup> “‘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 ANN. § 47-1-10 (1976).

**Holding:** Knowledge and consent of owner sufficient for conviction. The owner of an animal may be convicted for cruelty to it on evidence that it was worked when unfit for labor, with his knowledge and consent.

**S.C. CODE ANN. § 47-1-60 (1976). 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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-1-70 (1976). 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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-1-80 (1976). Destruction of abandoned infirm animal.**

Any agent or officer of the Department of Health and Environmental Control or police officer or officer of the South Carolina Society for the Prevention of Cruelty to Animals or of any society duly incorporated for that purpose may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for, appearing to be glandered, injured or diseased past recovery for any useful purpose.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-1-90 (1976). Overloading and length of confinement of animals in railroad cars.**

No railroad company in the carrying or transportation of animals shall overload the cars nor permit the animals to be confined in cars for a longer period than thirty-six consecutive hours without unloading them for rest, water and feeding for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes beyond the control of such railroad company; *provided, however,* that when animals shall be carried in cars in which they can and do have proper food, water and space and opportunity for rest, the foregoing provisions in regard to their being unloaded shall not apply. In estimating such confinement the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of thirty-six hours, except upon the contingencies hereinbefore stated.

**Applicable Case Law:**

*Comer v. Columbia*, 52 S.C. 36 (1898).

**Holding:** Duty to feed and water stock. This section requires the carrier to feed and water the stock in transit where the owner neglects to do so. It also requires the carrier to furnish the owner with facilities to feed and water the stock.

**S.C. CODE ANN. § 47-1-100 (1976). Care of animals unloaded during transit.**

Animals unloaded as required by § 47-1-90 shall be properly fed, watered and sheltered during such rest by the owner or person having the custody thereof or, in case of his default in so doing, then by the railroad company transporting such animals at the expense of the owner or person in custody thereof; and the company shall, in such case, have a lien upon such animals for food, care and custody furnished and shall not be liable for any detention of such animals.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-1-120 (1976). 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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-1-125 (1976). Coloring or dyeing animals prohibited; sale or distribution of certain young animals prohibited.**

- (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.
- (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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-1-150 (1976). 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 or of the South Carolina Society for the Prevention of Cruelty to Animals, or any society incorporated for that purpose 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
- (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.

**Applicable Case Law:**

*State v. Martin*, 378 S.C. 113 (2008).

**Holding:** Defendants were not entitled to immediate return of 56 of their 60 seized horses even though defendants were acquitted on 56 of 60 charges of ill treatment of animals; defendants had to be deemed able to care for horses in order that return of horses may be ordered.

**S.C. CODE ANN. § 47-1-200 (1976). Requirements for transfer of animals and importation or exportation of dog or cat.**

(A) During transportation, an animal must not be confined in one area for more than twenty-four consecutive hours without being adequately exercised, rested, fed, and watered. The time may be extended reasonably when an act of God causes a delay. The animal must be provided adequate space and ventilation.

(B) A dog or cat under eight weeks of age must not be imported or exported without being accompanied by its dam.

(C) A person who violates the provisions of 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 not more than thirty days, or both.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-1-210 (1976). Live animals as prizes; exceptions.**

(A) It is unlawful to give away a live animal including, but not limited to, a fish, bird, fowl, or reptile, as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement, or for these species to be used as an incentive to enter into any business agreement if the offer made was for the purpose of attracting trade.

(B) Nothing in this section may be construed to prohibit an auction or raffle of a live animal including, but not limited to, a fish, bird, fowl, or reptile. Further, the giving away or the testing of game or fowl for breeding purposes only is lawful and is not prohibited by this section as an incentive to enter into a business agreement if the person giving away or testing game or fowl is engaged in that trade.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished for each separate offense by a fine not to exceed three hundred dollars or imprisonment not to exceed thirty days, or both.

- (D) This section does not apply when a live animal is given away as follows:
- (1) by individuals or organizations operating in conjunction with a cooperative extension education program or agricultural vocational program sanctioned by the State Department of Education or local school districts;
  - (2) by individuals or organizations operating in conjunction with field trials approved by the Department of Natural Resources; or
  - (3) by kennels that advertise in national publications in regard to dogs that are registered with the United Kennel Club or the American Kennel Club.

**No Applicable Case Law.**

## **2. DOGS AND OTHER DOMESTIC PETS**

### **S.C. CODE ANN. § 47-3-50 (1976). Allowing dogs or cats to run at large.**

(A) It is unlawful in any county or municipality adopting penalty provisions pursuant to the provisions of this article for any dog or cat owner or other keeper of a dog or cat to:

- (1) allow his dog to run at large off of property owned, rented, or controlled by him;
- (2) keep a vicious<sup>5</sup> or unruly dog unless under restraint by a fence, chain, or other means so that the dog cannot reach persons not on land owned, leased, or controlled by him;
- (3) release or take out of impoundment or quarantine without proper authority any dog or cat or resist county or municipal shelter personnel engaging in the capture and impoundment or quarantine of a dog or quarantining of a cat.

(B) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined fifty dollars for a first offense and not more than one hundred dollars for each subsequent offense.

#### **Applicable Case Law:**

*McQuaig v. Brown*, 270 S.C. 512 (1978).

**Facts:** Minor, by her guardian ad litem, brought action to recover for injuries sustained when she was bitten by defendant's dog while in defendant's backyard. Defendant moved for summary judgment.

**Holding:** Motion for summary judgment was properly granted to defendant because none of depositions submitted by either plaintiff or defendant contained evidence that would cause reasonable man to suspect dog was of dangerous or vicious nature.

### **S.C. CODE ANN. § 47-3-110 (1976). Liability of owner or person having dog in his care or keeping.**

Whenever any person is bitten or otherwise attacked by a dog while the person is in a public place or is lawfully in a private place, including the property of the owner of the dog or other person having the dog in his care or keeping, the owner of the dog or other person having the dog in his care or keeping is liable for the damages suffered by the person bitten or otherwise attacked. For the purposes of this section, a person bitten or otherwise attacked is lawfully in a private place, including the property of the owner of the dog or other person having the dog in his care or keeping, when the person bitten or otherwise attacked is on the property in the performance of any duty imposed upon him by the laws of this State, by the ordinances of any political subdivision of this State, by the laws of the United States of America,

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<sup>5</sup> “‘Vicious dog’ means any dog evidencing an abnormal inclination to attack persons or animals without provocation.” S.C. CODE ANN. § 47-3-10 (1976).

including, but not limited to, postal regulations, or when the person bitten or otherwise attacked is on the property upon the invitation, express or implied, of the owner of the property or of any lawful tenant or resident of the property. If a person provokes a dog into attacking him then the owner of the dog is not liable.

**Applicable Case Law:**

*Clea v. Odom*, 394 S.C. 175 (2011).

**Holding:** The presence or absence of a duty determines liability in situations that involve a claim under the dog bite statute against a person having the dog in his care or keeping.

**Applicable Case Law:**

*Bruce v. Durney*, 341 S.C. 563 (S.C.App. 2000).

**Holding:** Even if owner of property on which dog owners lived did not have landlord/tenant relationship with dog owners, he was not liable to minor who was bitten by dog, as he was not the dog's owner or keeper; owner of property merely allowed dog to be kept on property on which he did not live, owner visited property but did not provide any care or support for dog, and dog owners were in almost complete control of animal.

**Applicable Case Law:**

*Nesbitt v. Lewis*, 335 S.C. 441 (S.C.App. 1999).

**Holding:** One who controls the use of property has a duty of care not to harm others by its use; conversely, one who has no control owes no duty.

**Applicable Case Law:**

*Elmore v. Ramos*, 327 S.C. 507 (S.C.App. 1997).

**Holding:** Whether individual would not have fallen and injured herself had owner's dog not jumped on her was question for jury in individual's action against dog owner for injuries sustained when dog allegedly jumped on her and caused her to fall off ramp.

**S.C. CODE ANN. § 47-3-540 (1976). Destruction of identifiable dog by animal control officer; prior notification of owner.**

Animal control officers must not destroy any positively identifiable dog until they have notified the owner at his last known address by registered mail that they have the dog in their possession. The owner must notify the animal control officer within two weeks that he will pick up his dog. If the owner does not pick up his dog within two weeks of notification to the animal control officer, the dog may be destroyed. Reasonable costs associated with the above extended holding period, including cost of mailing the required notice, must be paid before the dog is returned to its owner, or the owner's designee, in addition to any other established costs, fines, fees, or other charges.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-3-610 (1976). Unlawful to taunt, torment, tease, beat, strike, or administer desensitizing drug to police dog or horse.**

It is unlawful for a person to willfully 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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-3-620 (1976). Unlawful to torture, mutilate, injure, disable, poison, or kill**



**police dog or horse.**

It is unlawful for a person to willfully 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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-3-740 (1976). Owing or harboring animal for fighting or attacking humans or domestic animals prohibited; selling, breeding, buying or attempting to buy, or intent to do same, prohibited; exceptions.**

(A) No person may own or harbor an animal for the purpose of fighting or train, torment, badger, bait, or use an animal for the purpose of causing or encouraging the animal to unprovoked attacks upon human beings or domestic animals.

(B) No person may possess with intent to sell, offer for sale, breed, or buy or attempt to buy a known dangerous animal;<sup>6</sup> however, this subsection does not apply to a person who is licensed to possess and breed an animal under the classifications specified and regulated by the United States Department of Agriculture under the Animal Welfare Act as codified in Title 7 of the United States Code.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-3-930 (1976). Interference with use of a guide dog or service<sup>7</sup> animal; misdemeanor.**

(A) It is unlawful for a person who has received notice<sup>8</sup> that his behavior is interfering with the use of a guide dog<sup>9</sup> 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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<sup>6</sup> “[D]angerous animal’ means an animal of the canine or feline family: (1) which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals; (2) which: (a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by Section 47-3-720; or (b) commits unprovoked acts in a place other than the place where the animal is confined as required by Section 47-3-720 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being; (3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting. B) ‘Dangerous animal’ does not include: (1) an animal used exclusively for agricultural purposes; or (2) an animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the premises of the owner, as set forth in Section 47-3-770(A). C) An animal is not a ‘dangerous animal’ solely by virtue of its breed or species. (D) As used in this article ‘owner’ means a person who owns or has custody or control of the animal. (E) As used in this article, ‘injury’ or ‘bodily injury’ means (1) broken bones, (2) lacerations, (3) punctures of the skin, or (4) any physical injury resulting in death.” S.C. CODE ANN. § 47-3-710 (1976).

<sup>7</sup> “‘Service animal’ means an animal that is trained for the purposes of assisting or accommodating the sensory, mental, or physical disability of a disabled person.” S.C. CODE ANN. § 47-3-920 (1976).

<sup>8</sup> “‘Notice’ means an actual verbal or written warning prescribing the behavior of another person and a request that the person stop the behavior.” S.C. CODE ANN. § 47-3-920 (1976).

<sup>9</sup> “‘Guide dog’ means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.” S.C. CODE ANN. § 47-3-920 (1976).

(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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 47-3-930 (1976). Injury, disability, or death; reckless disregard.**

(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.

**No Applicable Case Law.**

### **3. SEXUAL ASSAULT**

**S.C. CODE ANN. § 16-15-120 (1976). Buggery.**

Whoever shall commit the abominable crime of buggery 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.

**No Applicable Case Law.**

### **4. THE ANIMAL FIGHTING AND BAITING ACT**

**S.C. CODE ANN. § 16-27-30 (1986). Acts or omissions constituting felonies.**

Any person<sup>10</sup> who:

(a) owns an animal<sup>11</sup> for the purpose of fighting or baiting;

(b) is a party to or causes any fighting<sup>12</sup> or baiting<sup>13</sup> 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.

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<sup>10</sup> “‘Person’ means every natural person or individual and any firm, partnership, association, or corporation.” S.C. CODE ANN. § 16-27-20 (1976).

<sup>11</sup> “‘Animal’ means any live vertebrate creature, domestic or wild.” S.C. CODE ANN. § 16-27-20 (1976).

<sup>12</sup> “‘Fighting’ means an attack with violence by an animal against another animal or a human.” S.C. CODE ANN. § 16-27-20 (1976).

<sup>13</sup> “‘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.” S.C. CODE ANN. § 16-27-20 (1976).

**No Applicable Case Law.**

**S.C. CODE ANN. § 16-27-40 (1986). Acts constituting misdemeanors upon conviction of first or second offense and constituting felonies upon conviction of third or subsequent offense.**

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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 16-27-50 (1986). Applicability of cruelty provisions; presumption of cruelty.**

(A) The provisions of Section 47-1-150<sup>14</sup> 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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 16-27-60 (1986). 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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 16-27-80 (1986). Applicability of chapter to hunting dogs and certain events.**

(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.

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<sup>14</sup> Listed under “Animal Cruelty Laws”

(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.

**No Applicable Case Law.**

## **5. VETERINARIANS**

### **S.C. CODE ANN. § 40-69-280 (1976). Abandoned animals; notice to owner.**

(A) An animal is considered abandoned when the animal has been placed in the custody of a licensed veterinarian for boarding, treatment, or other care and is unclaimed by its owner or the owner's agent and the owner or the owner's agent has not paid the charges for the boarding, treatment, or other care within ten days of notice of these charges being provided to the owner or the owner's agent in accordance with this section and no other payment agreement with the owner or the owner's agent has been reached.

(B) The notice required in subsection (A) must be given to the owner of the animal or the owner's agent at his last known address by registered mail or by certified mail, return receipt requested, and must contain a statement that if the animal is not claimed and if the charges are not paid within ten days after receipt of the notice, the animal may be sold, donated, turned over to the nearest humane society or animal shelter or otherwise disposed of as the person having custody of the animal considers proper.

(C) The owner of an abandoned animal is deemed to have relinquished all rights and claims to the animal by virtue of the abandonment.

(D) Providing notice to the owner or the owner's agent pursuant to this section relieves the custodian of the animal of any liability for the sale, donation, euthanasia, or other disposal of the animal.

**No Applicable Case Law.**

## **6. WILDLIFE PROTECTION LAWS**

### **S.C. CODE ANN. § 50-1-270 (1976). Liability for gross destruction or injury to wildlife, aquatic life, endangered or threatened species, or state lands or waters.**

(A) A person or public or private entity is liable to the State for the unlawful gross destruction of or injury to wildlife, aquatic life, endangered or threatened species, or the lands or waters owned by the State. For a deliberate or grossly negligent act, the State must be awarded damages of three times the value of the resource affected, plus costs, including attorney's fees. Monies paid in satisfaction of these claims must be used to restore, replenish, or enhance wildlife, aquatic life, endangered or threatened species, or the lands or waters owned by the State. For purposes of this section, the injury or damages must be caused by other than pollution.

(B) The department is the agency primarily responsible for the enforcement and implementation of this section. Other state agencies and governmental entities shall cooperate with the department in an effort to investigate the causes of the destruction or injury and shall assist in collecting the appropriate damages.

(C) This section does not apply to ordinary agricultural practices.

**No Applicable Case Law.**

**S.C. CODE ANN. § 50-11-840 (1976). 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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 50-11-851 (1976). Shooting, killing, or maiming of “carrier pigeon” prohibited.**

The shooting, killing, or maiming of an Antwerp or homing pigeon, commonly known as a “carrier pigeon”, is prohibited. Any person violating the provisions of this section is guilty of a misdemeanor and must be punished by a fine not exceeding ten dollars or imprisonment not exceeding ten days.

**No Applicable Case Law.**

**S.C. CODE ANN. § 50-11-852 (1976). Unlawful to molest or kill birds of prey; bald eagles.**

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.

**No Applicable Case Law.**

**S.C. CODE ANN. § 50-11-930 (1976). Unlawful to trap, hunt, or molest ducks or geese or molest their nest on certain waters or tidelands.**

It is unlawful for any person to trap, hunt, or molest in any manner any species of duck or geese, or to molest any duck or goose nest, on any water or tideland owned by the State within the following boundary:

Beginning at the westernmost tip of the Isle of Palms at the base of the bridge across Breach Inlet and running a course of 343 degrees true to a unnamed marsh island; thence following the low-water mark of the unnamed island in a northeasterly direction to the Intracoastal Waterway; thence across the Intracoastal Waterway to the north bank of the intersection of Swinton Creek and the Intracoastal Waterway; thence in a northeasterly direction along the bank of the Intracoastal Waterway to Hamlin Creek; thence 300 yards up the west bank of Hamlin Creek; thence across to the east bank of Hamlin Creek and following the creek bank to the westernmost tip of Goat Island at the Intracoastal Waterway; thence running in a northeasterly direction along the high-water mark of Goat Island to a point at latitude 32 degrees 48.5'N. and longitude 79 degrees 45.5'W.; thence running a course of 151 degrees true across

the Intracoastal Waterway to the high-water mark of the Isle of Palms; and, thence following the high-water mark of the Isle of Palms to the westernmost tip of the island at the base of the bridge across Breach Inlet.

Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days.

**No Applicable Case Law.**

**7. PENALTIES**

**S.C. CODE ANN. § 47-1-110 (1976). Violations of §§ 47-1-90 and 47-1-100.**

Any company or the owner or custodian of such animals who shall fail to comply with the provisions of §§ 47-1-90 (overloading and length of confinement of animals in railroad cars) and 47-1-100 (care of animals unloaded during transit) shall, for each and every such offense, if found guilty, be fined not less than fifty nor more than five hundred dollars, in any court of competent jurisdiction.

**S.C. CODE ANN. § 47-1-130 (1976). Arrest for violation of laws prohibiting cruelty to animals.**

Any person violating the laws in relation to cruelty to animals may be arrested and held, without warrant, in the same manner as in the case of persons found breaking the peace.

**S.C. CODE ANN. § 47-1-170 (1976). Penalties for violations of animal cruelty chapter.**

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 ANN. § 47-3-530 (1976). Penalties for stealing or killing identifiable dog.**

Any person stealing any positively identifiable dog 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 for not less than thirty days nor more than six months, or both.

Any person killing any dog when owner may be identified by means of a collar bearing sufficient information or some other form of positive identification 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 for not less than thirty days nor more than six months, or both. This paragraph does not apply to the killing of a dog threatening to cause or causing personal injury or property damage.

**S.C. CODE ANN. § 47-3-630 (1976). Penalties for teasing, maltreating, or injuring police dogs.**

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 ANN. § 47-3-760 (1976). Penalties; registration of dangerous animals.**

(A) A person who violates Section 47-3-720 or 47-3-730 or subsection (E) of this section or who is the owner of a dangerous animal which attacks and injures a domestic animal is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not more than two hundred dollars or imprisoned not more than thirty days and, upon conviction of a subsequent offense, must be fined one thousand dollars none of which may be suspended or remitted.

(B) A person who is the owner of a dangerous animal which attacks and injures a human being in violation of Section 47-3-710(A)(2)(a) or a person who violates Section 47-3-740:

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years;

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years.

(C) A dangerous animal which attacks a human being or domestic animal may be ordered destroyed when in the court's judgment the dangerous animal represents a continuing threat of serious harm to human beings or domestic animals.

(D) A person found guilty of violating this article shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim from an attack by a dangerous animal, and other expenses required for the destruction of the animal.

(E) A person owning a dangerous animal shall register the animal with the local law enforcement authority of the county in which the owner resides. The requirements of the registration must be determined by the county governing body. However, the registration application must be accompanied by proof of liability insurance or surety bond of at least fifty thousand dollars insuring or securing the owner for personal injuries inflicted by the dangerous animal. The county governing body shall provide to the owner registering the dangerous animal a metal license tag and a certificate. The metal license tag at all times must be attached to a collar or harness worn by the dangerous animal for which the certificate and tag have been issued.

(F) Nothing in this chapter is designed to abrogate any civil remedies available under statutory or common law.

**S.C. CODE ANN. § 47-3-960 (1976). Intentional injury, disability, or death of a guide dog or service animal.**

(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.

**S.C. CODE ANN. § 47-3-970 (1976). Restitution for damages incurred by guide dog or service animal and its user.**

(A) A defendant convicted of a violation of this article may be ordered to make full restitution for damages including incidental and consequential expenses incurred by the guide dog or service animal and its user, which arise out of or are related to the criminal offense.

(B) Restitution for a conviction under this article includes, but is not limited to:

- (1) the value<sup>15</sup> of the replacement of an incapacitated or deceased guide dog or service animal, the training of a replacement guide dog or service animal, or retraining of the affected guide dog or service animal and related veterinary and care expenses; and
- (2) medical expenses of the guide dog or service animal user, training of the guide dog or service animal user, and compensation for wages or earned income lost by the guide dog or service animal user.

(C) This article does not affect civil remedies available for conduct punishable under this article. Restitution paid pursuant to this article must be set off against damages awarded in a civil action arising out of the same conduct that resulted in the restitution payment.

**S.C. CODE ANN. § 16-27-55 (1976). Forfeiture of property of one found in violation of Animal Fighting and Baiting 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

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<sup>15</sup> “‘Value’ means the value to the guide dog or service animal user and does not refer to the cost or fair market value.” S.C. CODE ANN. § 47-3-920 (1976).



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 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.