

Title 47 - Animals, Livestock and Poultry

CHAPTER 3

Dogs and Other Domestic Pets

ARTICLE 1

Regulation by Counties and Municipalities

Editor's Note

2000 Act No. 293, Section 1, added "and Municipalities" to the article title.

SECTION 47-3-10. Definitions.

For the purpose of this article:

- (1) "Animal" is defined as provided for in Chapter 1;
- (2) "Animal shelter" includes any premises designated by the county or municipal governing body for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this article;
- (3) "Dog" includes all members of the canine family, including foxes and other canines;
- (4) A dog is deemed to be "running at large" if off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device;
- (5) A dog is deemed to be "under restraint" if on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device;
- (6) "Cat" includes all members of the feline family;
- (7) "Vicious dog" means any dog evidencing an abnormal inclination to attack persons or animals without provocation.

HISTORY: 1962 Code Section 6-145.1; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

Effect of Amendment

The 2000 amendment added the numerical paragraph designations, added paragraphs (1) and (6), in paragraph (2) added "or municipal" and ", adoption" and substituted "euthanasia" for "destruction", in paragraph 3, deleted "four months or more of age" and made nonsubstantive, technical changes throughout.

SECTION 47-3-20. Local animal care and control ordinances authorized.

The governing body of each county or municipality in this State may enact ordinances and promulgate regulations for the care and control of dogs, cats, and other animals and to prescribe penalties for violations.

HISTORY: 1962 Code Section 6-145; 1972 (57) 2733; 1975 (59) 235; 2000 Act No. 293, Section 1, eff May 19, 2000.

Effect of Amendment

The 2000 amendment added "or municipality", "care and" and ", cats," and substituted "animals " for "domestic pets".

SECTION 47-3-30. Establishment of animal shelters; funding.

The governing body of the county or municipality is authorized to establish an animal shelter for the county or municipality for the purpose of impounding and quarantining dogs and quarantining cats and shall employ such personnel, including enforcement personnel, as may be necessary to administer the provisions of this article. If an animal shelter is established, funds to establish and operate the shelter and employ necessary personnel may be provided in the annual county or municipal appropriations.

HISTORY: 1962 Code Section 6-145.2; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

Effect of Amendment

The 2000 amendment, in the first sentence, added "or municipality" in two places, "impounding and" and "and quarantining cats" and, in the second sentence, added "or municipal".

SECTION 47-3-40. Impoundment or quarantine of cat or dog running at large; release to owner.

The county or municipal animal shelter personnel or governmental animal control officers shall pick up and impound or quarantine any dog running at large or quarantining any cat. To obtain release of his dog or cat, an owner or keeper must satisfy the animal shelter personnel that the dog or cat is currently inoculated against rabies and also pay an impound or quarantine fee determined by the governing body of the county or municipality. Payment of this fee bars prosecution under Section 47-3-50. All fees collected must be delivered to the county or municipal treasurer for deposit in the general fund of the county or municipality.

HISTORY: 1962 Code Section 6-145.3; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

Effect of Amendment

The 2000 amendment rewrote this section.

SECTION 47-3-50. Allowing dogs or cats to run at large; penalty.

(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 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.

HISTORY: 1962 Code Section 6-145.4; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

Effect of Amendment

The 2000 amendment designated subsections (A) and (B) and redesignated paragraphs (a) to (c) as paragraphs (1) to (3), in subsection (A), added references throughout to "municipality", "cats", and "impoundment", in subsection (B), rewrote the penalty provisions, and made nonsubstantive technical changes throughout.

SECTION 47-3-55. Animal shelter personnel to contact owner if known; implant of identifying microchip in adopted or redeemed dogs and cats.

(A) If an animal shelter accepts or comes into possession of a dog or cat, the shelter immediately and thoroughly must scan the dog or cat for a tattoo, any implanted microchip, or similar device, which provides evidence of ownership and, upon finding it, immediately must make a good faith effort to contact the identified owner as required by Section 47-3-540.

(B) If an animal shelter or its officers, directors, or staff have made a good faith effort to comply with the provisions of subsection (A), they must be held harmless, as well as the manufacturer, against any action at law or otherwise, civil or criminal, for failure to detect a microchip or similar device and undertake the action specified in subsection (A).

(C) If a dog or cat is adopted or redeemed from an animal shelter, a licensed veterinarian or an animal shelter employee under the direction of a licensed veterinarian may implant a microchip in the dog or cat adopted or redeemed. The animal shelter shall record the date the microchip was implanted, the name, address, and telephone number of the person adopting or redeeming the dog or cat, an identification number unique to the dog or cat adopted or redeemed, the name, address, and telephone number of the animal shelter that sheltered the dog or cat before adoption or redemption, and the date the dog or cat was adopted or redeemed. The animal shelter must keep a record of all microchips implanted pursuant to this subsection.

(D) The animal shelter is not required to adhere to subsection (A), if the necessary scanner is not provided free of charge or at a reasonable cost as determined by the county or municipality.

(E) The owner redeeming his dog or cat must elect to have a microchip implanted.

HISTORY: 2000 Act No. 293, Section 1, eff May 19, 2000.

SECTION 47-3-60. Disposition of quarantined or impounded animals.

(A) After any animal has been quarantined pursuant to South Carolina Rabies Control Act and is unclaimed by its owner, after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47-3-540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

(B) After any animal has been impounded for five days and is unclaimed by its owner, and after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47-3-540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

(C) Complete records must be kept by shelter officials as to the disposition of all animals impounded.

HISTORY: 1962 Code Section 6-145.5; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

Effect of Amendment

The 2000 amendment rewrote this section.

SECTION 47-3-70. County and municipal powers not limited by article.

Nothing in this article may be construed to limit the power of any municipality or county to prohibit animals from running at large, whether or not they have been inoculated as provided in this article; and nothing in this article may be construed as to limit the power of any municipality or county to regulate and control further in the county or municipality to enforce other and additional measures for the restriction and control of rabies.

HISTORY: 1962 Code Section 6-145.6; 1972 (57) 2733; 2000 Act No. 293, Section 1, eff May 19, 2000.

Effect of Amendment

The 2000 amendment substituted "animals" for "dogs", added the references to counties, and made other nonsubstantive changes.

SECTION 47-3-75. Transfer of domestic animal to animal shelter ten days after date owner was to pick up animal; requirements.

(A) An animal delivered to a veterinarian, a dog kennel, a cat kennel, an animal hospital, another animal care facility, or to a person who boards domestic animals on the person's premises for a fee may be transferred to an appropriate animal shelter ten days after the date the owner failed to pick up the animal as agreed to pursuant to a written contract or agreement. The animal may be transferred only if the written contract or agreement provides for the transfer and if an attempt is made to notify the owner by regular mail and by certified mail at the owner's last known address on the date the owner failed to pick up the animal as agreed.

(B) A person who boards animals of others pursuant to subsection (A) shall post written notice of the provisions of this section at the person's place of business.

(C) A person who fails to pick up an animal as provided for in subsection (A), who fails to pay his boarding fees in a timely manner, or who abandons an animal at an animal hospital, a dog kennel, a cat kennel, another animal care facility, or boarding facility is guilty of a misdemeanor and, upon conviction, may be imprisoned not more than thirty days or fined not more than two hundred dollars.

HISTORY: 1992 Act No. 354, Section 1, eff May 4, 1992; 1996 Act No. 436, Section 1, eff upon approval (became law without the Governor's signature on June 6, 1996); 2000 Act No. 293, Section 1, eff May 19, 2000.

Effect of Amendment

The 1996 amendment replaced "his" with "the person's" both in the first sentence of subsection (A) and in subsection (B); in

subsection (A) inserted "to" preceding "a person who boards" in the first sentence, and substituted "and by certified mail at the owner's" for "at his" in the second sentence; in subsection (B) substituted "pursuant to subsection (A)" for "as described in this section"; and added subsection (C).

The 2000 amendment reprinted this section with no apparent change.

ARTICLE 2

Liability to Person Bitten or Otherwise Attacked by Dog

SECTION 47-3-110. Liability for attacks by dogs, provoked attacks, trained law enforcement dogs.

(A) If a 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 dog owner or person having the dog in the person's care or keeping, the dog owner or person having the dog in the person's 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 dog owner or person having the dog in the person's care or keeping, when the person bitten or otherwise attacked is on the property in the performance of a duty imposed upon the person by the laws of this State, the ordinances of a political subdivision of this State, the laws of the United States of America 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 property owner or a lawful tenant or resident of the property.

(B) This section does not apply if, at the time the person is bitten or otherwise attacked:

- (1) the person who was attacked provoked or harassed the dog and that provocation was the proximate cause of the attack; or
- (2) the dog was working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties provided that:
 - (a) the dog's attack is in direct and complete compliance with the lawful command of a duly certified canine officer;
 - (b) the dog is trained and certified according to the standards adopted by the South Carolina Law Enforcement Training Council;
 - (c) the governmental agency has adopted a written policy on the necessary and appropriate use of dogs in the dog's official law enforcement duties;
 - (d) the actions of the dog's handler or dog do not violate the agency's written policy;
 - (e) the actions of the dog's handler or dog do not constitute excessive force; and
 - (f) the attack or bite does not occur on a third party bystander.

HISTORY: 1986 Act No. 343; 2013 Act No. 62, Section 1, eff June 12, 2013.

Effect of Amendment

The 2013 amendment rewrote the section.

ARTICLE 3

Sheep-Killing Dogs

SECTION 47-3-210. Keeping of sheep-killing dog prohibited.

No persons shall buy, sell, receive, give away or otherwise own, control, have or keep in possession any dog commonly called "sheep-killing" and known to be such. The violation, knowingly, in any one or all respects of the foregoing prohibition shall be a misdemeanor punishable, upon conviction, by a fine not exceeding one hundred dollars or imprisonment for not exceeding thirty days.

HISTORY: 1962 Code Section 6-101; 1952 Code Section 6-101; 1942 Code Section 1178; 1932 Code Section 1178; Cr. C. '22 Section 68; Cr. C. '12 Section 212; 1909 (26) 121.

SECTION 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.

HISTORY: 1962 Code Section 6-102; 1952 Code Section 6-102; 1942 Code Section 3422; 1932 Code Section 3422; Civ. C. '22 Section 1038; Civ. C. '12 Section 3437; Civ. C. '02 Section 2351; G. S. 1701; R. S. 1835; 1878 (16) 563.

SECTION 47-3-230. Liability of owner of sheep-killing dog for payment to owner of sheep killed or injured.

The owner of or person having in his care or keeping any dog shall be liable to pay to the person damaged double the value of any sheep that may be killed or injured by such dog, to be recovered by action at the suit of the person damaged in any court having competent jurisdiction. In all such actions the recovery of ten dollars or more shall carry costs.

HISTORY: 1962 Code Section 6-104; 1952 Code Section 6-104; 1942 Code Section 3423; 1932 Code Section 3423; Civ. C. '22 Section 1039; Civ. C. '12 Section 3438; Civ. C. '02 Section 2352; G. S. 1702; R. S. 1836; 1859 (12) 826.

ARTICLE 5

Feral Dogs

SECTION 47-3-310. Disposal or removal of feral dogs from certain property.

On game management areas, state-owned property and property of private landowners and leaseholders, at the request of such landowners and leaseholders, specially trained enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources may enter on such areas and property for the purpose of investigating dogs running at large on the property. If the dogs are determined to be feral dogs (a dog which has reverted to a wild state) and are a threat to the lives or health of livestock, wildlife or humans, the enforcement officers may remove the feral dog from the property or dispose of it in the most humane manner as determined by the department.

HISTORY: 1979 Act No. 147 Section 1; 1993 Act No. 181, Section 1166, eff July 1, 1994.

Effect of Amendment

The 1993 amendment changed "conservation officers of the Wildlife and Marine Resources Department" to "enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources" and "conservation" to "enforcement".

SECTION 47-3-320. Training of conservation officers to remove dogs; liability of officers.

Two enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources from each of the state's twenty-eight law enforcement units shall be trained by the Department in the identification, capture and humane disposal of feral dogs and these officers shall have the responsibility of answering all complaints concerning feral dogs within the geographical boundaries of their respective law enforcement units. Such enforcement officers shall be held harmless of any personal liability that may occur during the lawful execution of their duties under this act except in case of gross negligence.

HISTORY: 1979 Act No. 147 Section 2; 1993 Act No. 181, Section 1167, eff July 1, 1994.

Effect of Amendment

The 1993 amendment changed "conservation officers" to "enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources" and "conservation" to "enforcement".

ARTICLE 7

Animal Euthanasia and Tranquilization

Editor's Note

2000 Act No. 293, Section 2, added "and Tranquilization" to the article title.

SECTION 47-3-410. Animal shelter defined.

The term "animal shelter" means any place or premises kept for the care, keeping, impounding, housing or boarding of any animal, whether the premises are owned or operated by a municipality, county, private association, institution, humane organization, or any other business or corporation.

HISTORY: 1980 Act No. 357, Section 1; 2000 Act No. 293, Section 2, eff May 19, 2000.

Effect of Amendment

The 2000 amendment added "housing" and "or any other business or corporation", substituted "any animal" for "stray, neglected, or abandoned animals" and made nonsubstantive changes.

SECTION 47-3-420. Allowable methods of euthanasia.

(A) Only the following methods of euthanasia may be used to kill animals impounded or quarantined in animal shelters, and the procedure applicable to the method selected must be strictly followed:

(1) Barbituric acid derivatives:

(a) intravenous or intracardial injection of a lethal solution;

(b) intraperitoneal injection of lethal solution when location of an injection into the vein is difficult or impossible;

(c) oral ingestion of powdered barbituric acid derivatives in capsules mixed with food or by manual administration of a solution;

(d) intravenous injection of these solutions must be specifically injected according to the directions of the manufacturers for intravenous injections;

(e) intracardial injection of these solutions must only be administered if the animal has been tranquilized with an approved, humane substance and the animal, at the time of the intracardial injection, is anesthetized or comatose;

(f) the solutions may not be administered via intraperitoneal, intrathoracic, intrapulmonary, subcutaneous, intramuscular, intrarenal, intrasplenic, or intrathecal routes or in any other nonvascular injection route except as provided above;

(g) administration of injections must be done only by a licensed veterinarian or by a euthanasia technician or Department of Natural Resources employee, trained and certified for this purpose in a euthanasia training class taught by a licensed South Carolina veterinarian, which must include training in tranquilizing animals. A person certified pursuant to this subitem must continue to maintain his proficiency by successfully completing a training course taught by a licensed South Carolina veterinarian every five years;

(h) all injections must be administered using an undamaged hypodermic needle of a size suitable for the size and species of animal;

(i) an animal shelter, governmental animal control agency, or the Department of Natural Resources (department) may obtain a barbituric acid derivative or tranquilizing agent by direct licensing. The animal shelter, governmental animal control agency, or department must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement Administration (DEA) and a State Controlled Substances Registration from the Department of Health and Environmental Control (DHEC). If an animal shelter, governmental animal control agency, or the department is issued a certificate by the DEA and a registration by DHEC pursuant to this subitem, the animal shelter, governmental animal control agency director or his designee, and the department's applicant are responsible, for maintaining their respective records regarding the inventory, storage, and administration of controlled substances. An animal shelter, governmental animal control agency and its certified euthanasia technician, and the department and its certified employees are subject to inspection and audit by DHEC and the DEA regarding the recordkeeping, inventory, storage, and administration of controlled substances used under authority of this article.

(2) Carbon monoxide gas:

(a) dogs and cats, except animals under sixteen weeks of age, may be killed by bottled carbon monoxide gas administered in a tightly enclosed chamber. The chamber must be equipped with:

(i) internal lighting and a window providing direct visual surveillance of the collapse and death of any animal within the chamber;

(ii) the gas concentration process must be adequate to achieve a carbon monoxide gas concentration throughout the chamber of at least six percent within five minutes after any animal is placed in the chamber. The chamber must have a functioning gas concentration gauge attached to the chamber and a strong airtight seal must be maintained around the door;

(iii) the unit shall include an exhaust fan connected by a gas-tight duct to the outdoors capable of completely evacuating the gas from the chamber before it is opened after each use, except that this provision does not apply to chambers located out-of-doors;

(iv) animals must be left in the chamber for a period of no less than fifteen minutes from the time the gas concentration throughout the

chamber reaches six percent.

(b) no person may euthanize an animal by gas emitted from any engine exhaust system.

(c) in all instances where a carbon monoxide chamber is used:

(i) no incompatible or hostile animals, or animals of different species, may be placed in any chamber simultaneously;

(ii) every chamber must be thoroughly cleaned after the completion of each full cycle. No live animals may be placed in the chamber with dead animals;

(iii) all animals must be examined by a veterinarian or certified euthanasia technician to ensure they are dead upon removal from the chamber;

(iv) all chambers must be inspected quarterly by an independent, qualified technician who is thoroughly knowledgeable with the operation and maintenance of the particular euthanasia chamber being used;

(v) an operational guide and maintenance instructions must be displayed in the room with the euthanasia chamber.

(3) Shooting:

Shooting may be used as a means of euthanasia only in an emergency situation to prevent extreme suffering or in which the safety of people or other animal life is threatened or where it is considered necessary by the South Carolina Department of Natural Resources to eliminate or control the population of feral animals.

(B) In any of the previously listed methods, an animal may not be left unattended between the time euthanasia procedures have commenced and the time death occurs, and the animal's body may not be disposed of until death is confirmed by a certified euthanasia technician.

HISTORY: 1980 Act No. 357, Section 2; 1993 Act No. 181, Section 1168, eff July 1, 1994; 2000 Act No. 293, Section 2, eff May 19, 2000.

Effect of Amendment

The 1993 amendment substituted "Department of Natural Resources" for "Wildlife and Marine Resources Department".

The 2000 amendment rewrote this section.

SECTION 47-3-430. Provision governing shelters.

All animal shelters are subject to the provisions of Chapter 1 of Title 47.

HISTORY: 1980 Act No. 357, Section 3; 2000 Act No. 293, Section 2, eff May 19, 2000.

Effect of Amendment

The 2000 amendment rewrote this section.

SECTION 47-3-440. Penalties; injunction.

No person may kill any animal impounded or quarantined in an animal shelter by any means except as provided by this article. Any person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, is subject to the penalty provisions in Chapter 1, Title 47 for each animal killed. The Attorney General of South Carolina may bring an action to enjoin a violation of this article.

HISTORY: 1980 Act No. 357, Section 4; 2000 Act No. 293, Section 2, eff May 19, 2000.

Effect of Amendment

The 2000 amendment rewrote this section.

SECTION 47-3-450. Exceptions.

The provisions of this article do not apply to persons engaged in scientific endeavors by institutions of higher education.

HISTORY: 1980 Act No. 357, Section 5; 2000 Act No. 293, Section 2, eff May 19, 2000.

Effect of Amendment

The 2000 amendment substituted "shall" for "do".

ARTICLE 8

Sterilization of Dogs and Cats

SECTION 47-3-470. Descriptions.

As used in this article:

(1) "Animal Shelter" means:

(a) a facility operated by or under contract for the State or a county, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals;

(b) a veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for the purpose set forth in subitem (a) in addition to its customary purposes;

(c) a facility operated, owned, or maintained by an incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

(2) "Humane society" means an unincorporated nonprofit organization existing for the purpose of prevention of cruelty to animals.

(3) "Public or private animal refuge" means harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.

(4) "Sexually mature animal" means a dog or cat that has reached the age of one hundred eighty days or six months or more.

(5) "Sterilization" means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

HISTORY: 1998 Act No. 271, Section 1, eff upon approval (became law without the Governor's signature on April 8, 1998).

SECTION 47-3-480. Provisions for sterilization; exceptions; payment of costs; subsequent notification of sterilization for animals not sterile when acquired.

(A) A public or private animal shelter, animal control agency operated by a political subdivision of this State, humane society, or public or private animal refuge shall make provisions for the sterilization of all dogs or cats acquired from the shelter, agency, society, or refuge by:

(1) providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or

(2) entering into a written agreement with the person acquiring the animal guaranteeing that sterilization will be performed by a licensed veterinarian within thirty days after acquisition of a sexually mature animal or no later than six months of age except upon a written statement issued by a licensed veterinarian stating that such surgery would threaten the life of the animal.

(B) This section does not apply to a privately owned animal which the shelter, agency, society, or refuge may have in its possession for any reason if the owner of the animal claims or presents evidence that the animal is his property.

(C) All costs of sterilization pursuant to this section are the responsibility of the person acquiring the animal and, if performed before acquisition, may be included in the fees charged by the shelter, agency, society, or refuge for the animal.

(D) A person acquiring an animal from a shelter, an agency, a society, or a refuge which is not sterile at the time of acquisition shall submit to the shelter, agency, society, or refuge a signed statement from the licensed veterinarian performing the sterilization required by subsection (A) within seven days after sterilization attesting that the sterilization has been performed.

HISTORY: 1998 Act No. 271, Section 1, eff upon approval (became law without the Governor's signature on April 8, 1998).

SECTION 47-3-490. Failure to comply; remedies.

A person who fails to comply with Section 47-3-480(A)(2) or 47-3-480(D) must forfeit ownership of the dog(s) or cat(s) acquired from the shelter, agency, society, or refuge which adopted the animal to the owner. In addition to forfeiting ownership, the person who acquired the animal must pay to the shelter, agency, society, or refuge the sum of \$200.00 as liquidated damages. Such remedies shall be in addition to any other legal or equitable remedies as may be available to the shelter, agency, society, or refuge for breach of the written agreement as provided for in Section 47-3-480(A)(2) or failure to comply with Section 47-3-480(D).

HISTORY: 1998 Act No. 271, Section 1, eff upon approval (became law without the Governor's signature on April 8, 1998).

SECTION 47-3-500. Adoption of additional policies by other entities.

This article does not prohibit the adoption by a political subdivision of this State of shelter policies which are more stringent than the requirements of this article.

HISTORY: 1998 Act No. 271, Section 1, eff upon approval (became law without the Governor's signature on April 8, 1998).

ARTICLE 9

Registration of Dogs

SECTION 47-3-510. Owner may register dog; fee.

The owner of any dog or kennel may, upon payment of a fee to be determined by the South Carolina Department of Natural Resources (department), not to exceed five dollars a dog or twenty dollars a kennel, have his dog registered by the department and the registration number tattooed in either of the dog's ears or on any other clearly visible part of the body that would be considered most suitable for the respective species of dog. The department shall maintain records of the names and addresses of the owners of registered kennels.

HISTORY: 1984 Act No. 446, Section 1; 1985 Act No. 28; 1993 Act No. 181, Section 1169, eff July 1, 1994.

Effect of Amendment

The 1993 amendment substituted "Department of Natural Resources" for "Wildlife and Marine Resources Department".

SECTION 47-3-520. Availability of registration file.

The department shall have this file available for county, city, or subdivision animal control agencies or departments and individuals. The entire cost must be assessed upon dog owners in registration fees.

HISTORY: 1984 Act No. 446, Section 2.

SECTION 47-3-530. 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.

HISTORY: 1984 Act No. 446, Section 3.

SECTION 47-3-540. 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.

HISTORY: 1984 Act No. 446, Section 4.

SECTION 47-3-550. Promulgation of regulations.

The South Carolina Department of Natural Resources may promulgate regulations to carry out the provisions of this chapter.

HISTORY: 1984 Act No. 446, Section 5; 1993 Act No. 181, Section 1170, eff July 1, 1994.

Effect of Amendment

The 1993 amendment substituted "Department of Natural Resources" for "Wildlife and Marine Resources Department".

ARTICLE 11

Teasing, Maltreating, and Injuring Police Dogs Prohibited

Code Commissioner's Note

Two Article 11's were enacted during the 1988 legislative session by Act Nos. 512 and 515. By direction of the Code Commissioner, Article 11 as enacted by 1988 Act No. 515 has been changed to Article 13, Sections 47-3-710 through 47-3-770.

SECTION 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.

HISTORY: 1988 Act No. 512, eff May 9, 1988; 1995 Act No. 68, Section 2, eff June 12, 1995.

Code Commissioner's Note

Section 47-3-610 as enacted by 1988 Act No. 515, Section 1, has been redesignated as Section 47-3-710 by direction of the Code Commissioner.

Effect of Amendment

The 1995 amendment made this section applicable to horses.

SECTION 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.

HISTORY: 1988 Act No. 512, eff May 9, 1988; 1995 Act No. 68, Section 3, eff June 12, 1995.

Code Commissioner's Note

Section 47-3-620 as enacted by 1988 Act No. 515, Section 1, has been redesignated as Section 47-3-720 by direction of the Code Commissioner.

Effect of Amendment

The 1995 amendment made this section applicable to horses.

SECTION 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.

HISTORY: 1988 Act No. 512, eff May 9, 1988; 1995 Act No. 68, Section 1, eff June 12, 1995; 2008 Act No. 259, Section 3, eff upon approval (became law without the Governor's signature on June 5, 2008).

Code Commissioner's Note

Section 47-3-630 as enacted by 1988 Act No. 515, Section 1, has been redesignated as Section 47-3-730 by direction of the Code Commissioner.

Effect of Amendment

The 1995 amendment added ", except for Section 47-3-620," following "this article" and added the second sentence.

The 2008 amendment in the second sentence substituted "felony" for "misdemeanor", "and imprisoned" for "or imprisoned", and "five years" for "three years", and deleted ", or both" from the end.

ARTICLE 13

Regulation of Dangerous Animals

Code Commissioner's Note

Two Article 11's were enacted during the 1988 legislative session by Act Nos. 512 and 515. By direction of the Code Commissioner, Article 11 as enacted by 1988 Act No. 515 has been changed to Article 13, Sections 47-3-710 through 47-3-770.

SECTION 47-3-710. Definitions.

(A) As used in this article "dangerous 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.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992.

Code Commissioner's Note

Section 47-3-610 as enacted by 1988 Act No. 515, Section 1, has been redesignated as Section 47-3-710 by direction of the Code Commissioner.

Effect of Amendment

The 1992 amendment rewrote this section to make it apply to dangerous animals, instead of dangerous dogs.

SECTION 47-3-720. Dangerous animal not to go unconfined on premises; "unconfined" defined; exceptions.

No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is "unconfined" as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992.

Code Commissioner's Note

Section 47-3-620 as enacted by 1988 Act No. 515, Section 1, has been redesignated as Section 47-3-720 by direction of the Code Commissioner.

Effect of Amendment

The 1992 amendment rewrote this section to make it apply to dangerous animals, instead of dangerous dogs.

SECTION 47-3-730. Dangerous animal not permitted beyond premises unless safely restrained.

No person owning or harboring or having the care of a dangerous animal may permit the animal to go beyond his premises unless the animal is safely restrained and the requirements of Section 47-3-760(E) are met.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992; 1996 Act No. 382, Section 1, eff June 4, 1996.

Code Commissioner's Note

Section 47-3-630, as enacted by 1988 Act No. 515, Section 1, has been redesignated as Section 47-3-730 at direction of the Code Commissioner.

Effect of Amendment

The 1992 amendment rewrote this section to make it apply to dangerous animals, instead of dangerous dogs.

The 1996 amendment added "and the requirements of Section 47-3-760(E) are met" after "unless the animal is safely restrained".

SECTION 47-3-740. Owning 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; 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.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992.

Code Commissioner's Note

Section 47-3-640 as enacted by 1988 Act No. 515, Section 1, has been redesignated as Section 47-3-740 by direction of the Code Commissioner.

Effect of Amendment

The 1992 amendment rewrote this section to make it apply to dangerous animals, instead of dangerous dogs.

SECTION 47-3-750. Seizure and impoundment of dangerous animal.

(A) If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or cared for in violation of Section 47-3-720 or 47-3-740 or 47-3-760(E), the agent or officer may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.

(B) If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or housed in violation of Section 47-3-730, the agent or officer may seize and impound the dangerous animal while the trial is pending.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992; 1996 Act No. 382, Section 3, eff June 4, 1996.

Code Commissioner's Note

Section 47-3-650 as enacted by 1988 Act No. 515, Section 1, has been redesignated as Section 47-3-750 by direction of the Code Commissioner.

Effect of Amendment

The 1992 amendment rewrote this section to make it apply to dangerous animals, instead of dangerous dogs.

The 1996 amendment, in subsections (A) and (B), inserted ", animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services" after "law enforcement officer" and replaced "he" with "the agent or officer".

SECTION 47-3-760. 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.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992; 1993 Act No. 184, Section 101 eff January 1, 1994; 1996 Act No. 382, Sections 2 and 4, eff June 4, 1996.

Code Commissioner's Note

Section 47-3-660 as enacted by 1988 Act No. 515, Section 1, has been redesignated as Section 47-3-760 by direction of the Code Commissioner.

Effect of Amendment

The 1992 amendment rewrote this section to make it apply to dangerous animals, instead of dangerous dogs.

The 1993 amendment rewrote subsection (B) so as to change portions from felonies to misdemeanors, to conform to the new crime classification system.

The 1996 amendment in subsection (B) inserted "or a person who violates Section 47-3-740"; in subsection (E), in the third sentence inserted "or surety bond" after "proof of liability insurance" and "or securing " after "insuring", in the fourth sentence deleted "In addition," before "The county", and in the fifth sentence deleted "shall" after "license tag" and inserted "must" before "be attached".

SECTION 47-3-770. When person is lawfully on premises; authority to use force to repel attack by dangerous animal when lawfully on premises; no liability for action taken to repel or restrain unprovoked attack of dangerous animal.

(A) A person lawfully is upon the premises of the owner within the meaning of this article when he is on the premises in the performance of a duty imposed upon him by the laws of this State, by the laws or postal regulations of the United States, when he is on the premises upon invitation, expressed or implied, of the owner, or when he is in the performance of a duty relative to public safety, which includes policemen, firemen, or other authorized personnel. A person may ingress to and egress from the premises for a purpose connected with the performance of the public safety duty.

(B) A person who lawfully is on the owner's premises and who is attacked by a dangerous animal or witnesses the attack may use reasonable force to repel the attack. A person is not liable in damages or otherwise for action to repel or action taken to restrain or control an animal from an unprovoked attack.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, Section 1, eff May 19, 1992.

Code Commissioner's Note

Section 47-3-670 as enacted by 1988 Act No. 515, Section 1, has been redesignated as Section 47-3-770 by direction of the Code Commissioner.

Effect of Amendment

The 1992 amendment rewrote this section to make it apply to dangerous animals, instead of dangerous dogs.

ARTICLE 15

Protection of Guide Dogs

SECTION 47-3-910. Short title.

This article may be cited as "Layla's Law".

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

SECTION 47-3-920. Definitions.

For purposes of this article:

(1) "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.

(2) "Humane euthanasia" means the termination of a terminally ill or critically injured guide dog or service animal's life by a means that produces a rapid and minimally painful death as provided in Section 47-3-420.

(3) "Notice" means an actual verbal or written warning prescribing the behavior of another person and a request that the person stop the behavior.

(4) "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.

(5) "Value" means the value to the guide dog or service animal user and does not refer to the cost or fair market value.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

SECTION 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.

(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.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

SECTION 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.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

SECTION 47-3-950. Unauthorized control over guide dog or service animal; penalties.

(A) It is unlawful for a person to wrongfully obtain or exert unauthorized control over a guide dog or service animal with the intent to deprive the guide dog or service animal user of his guide dog or service animal.

(B) A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars or imprisoned not less than one year, or both.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

SECTION 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.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.

SECTION 47-3-970. Restitution.

(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 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.

HISTORY: 2003 Act No. 37, Section 1, eff June 2, 2003.