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A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 47 SO AS TO ENACT THE “DANGEROUS WILD ANIMALS ACT”, TO DEFINE CERTAIN TERMS, TO PROHIBIT CERTAIN PERSONS FROM OWNING, POSSESSING, OR COMING INTO CONTACT WITH A DANGEROUS WILD ANIMAL, TO AUTHORIZE INSPECTIONS BY THE ANIMAL CONTROL AUTHORITY, TO AUTHORIZE CONFISCATION OF THESE ANIMALS UNDER CERTAIN CONDITIONS, TO PROVIDE THAT LOCAL GOVERNMENTAL BODIES MAY ADOPT AN ORDINANCE THAT REGULATES THE POSSESSION OF DANGEROUS WILD ANIMALS, TO REGULATE THE TREATMENT OF DANGEROUS WILD ANIMALS, AND TO PROVIDE PENALTIES.

Whereas, it is the intent of the South Carolina General Assembly to protect the public against health and safety risks that dangerous wild animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, these animals are wild and inherently dangerous and, as such, do not adjust well to a captive environment. Now, therefore,

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

SECTION 1. Title 47 of the 1976 Code is amended by adding:

“CHAPTER 2

Dangerous Wild Animal Control and Regulation

Article 1

1
2 Regulation of Dangerous Wild Animals
3

4 Section 47-2-10. This chapter may be cited as the 'Dangerous
5 Wild Animals Act'.
6

7 Section 47-2-20. As used in this chapter:

8 (1) 'Animal Control Agency' means an animal control agency
9 operated by a political subdivision of this state or any unit of
10 animal control officers in a law enforcement agency operated by a
11 county or municipality.

12 (2) 'Dangerous wild animal' means any live individual animal
13 held in captivity of the following scientific classifications:

14 (a) Class Mammalia:

15 (i) Order Carnivora:

16 (A) Family Canidae: red wolves (*Canis rufus*) and gray
17 wolves (*Canis lupus*);

18 (B) Family Felidae: lions (*Panthera leo*), tigers
19 (*Panthera tigris*), leopards (*Panthera pardus*), clouded leopards
20 (*Neofelis nebulosa*, *Neofelis diardi*), snow leopards (*Panthera*
21 *uncia*), jaguars (*Panthera onca*), cheetahs (*Acinonyx jubatus*),
22 mountain lions (*Puma concolor*), including hybrids thereof;

23 (C) Family Hyaenidae: all species of hyena and
24 aardwolf;

25 (D) Family Ursidae: all species of bears;

26 (E) Family Procyonidae: all species, excluding raccoons
27 (*Procyon lotor*);

28 (ii) Order Primates: all species, excluding humans;

29 (b) Class Reptilia:

30 (i) Order Crocodylia: all species of alligators, crocodiles,
31 caimans, gharials;

32 (ii) Order Squamata:

33 (A) Family Atractaspidae: all species, such as mole
34 vipers;

35 (B) Family Boidae: anacondas (Genus *Eunectes*), boa
36 constrictors (*Boa constrictor*), Burmese pythons (*Python molurus*),
37 reticulated pythons (*Python reticulatus*), amethystine pythons
38 (*Morelia amethystinus*), scrub pythons (*Morelia kinghorni*),
39 Northern African pythons (*Python sebae*), Southern African
40 pythons (*Python natalensis*);

41 (C) Family Colubridae: boomslangs (*Dispholidus*
42 *typus*), twig snakes (Genus *Thelotornis*);

1 (D) Family Elapidae: all species, such as cobras,
2 mambas, and coral snakes;

3 (E) Family Hydrophiidae: all species, such as sea
4 snakes;

5 (F) Family Viperidae: all species, such as rattlesnakes,
6 pit vipers, and puff adders; and

7 (iii) All species listed under the Federal Endangered
8 Species Act (50 C.F.R. 17.11) as threatened or endangered are
9 considered dangerous wild animals.

10 (3) 'Law enforcement officer' means any state police
11 officer, local enforcement officers (including county sheriffs, city
12 police, and officers of an animal control agency), or any officer
13 acting under the authority of this act.

14 (4) 'Person' means any individual, partnership, corporation,
15 organization, or any other legal entity, and any officer, member,
16 shareholder, director, employee, agent, or representative of them.

17 (5) 'Possessor' means a person who owns, harbors, or has
18 custody or control of a dangerous wild animal.

19 (6) 'Wildlife sanctuary' means a nonprofit organization that:

20 (a) operates a place of refuge where abused, neglected,
21 unwanted, impounded, abandoned, orphaned, or displaced animals
22 are provided care for the lifetime of the animal;

23 (b) does not conduct any commercial activity with respect
24 to dangerous wild animals, including, but not limited to:

25 (i) sale, trade, auction, lease, or loan of dangerous wild
26 animals or parts of such animals; or

27 (ii) use of dangerous wild animals in any manner in a
28 for-profit business or operation;

29 (c) does not use dangerous wild animals for entertainment
30 purposes or in a traveling exhibit;

31 (d) does not breed any dangerous wild animals; and

32 (e) does not allow members of the public the opportunity
33 to come into direct contact with dangerous wild animals.

34

35 Section 47-2-30. (A) Notwithstanding another provision of law
36 and unless exempted herein, it shall be unlawful for any person to
37 import, possess, sell, transfer, or breed a dangerous wild animal.

38 (B) Notwithstanding another provision of law, it is unlawful for
39 a person to allow a member of the public to come into direct
40 contact with a dangerous wild animal.

41

42 Section 47-2-40. The prohibitions in Section 47-2-30(A) shall
43 not apply to:

1 (1) duly incorporated nonprofit animal protection
2 organizations, such as humane societies and shelters, temporarily
3 housing a dangerous wild animal at the written request of law
4 enforcement acting under authority of this chapter;

5 (2) federal or state wildlife enforcement officers acting under
6 the scope of their authority;

7 (3) animal control agencies or law enforcement agencies or
8 officers acting under the authority of this chapter;

9 (4) veterinary hospitals, clinics, and veterinarians who are
10 actively treating a dangerous wild animal in their professional
11 capacity as a veterinarian or employee of a facility;

12 (5) a research facility holding a Class R registration under the
13 Animal Welfare Act, 7 U.S.C. Section 2131, et seq., as amended;

14 (6) institutions accredited by the Association of Zoos and
15 Aquariums (AZA) or certified related facilities that coordinate
16 with an AZA Species Survival Plan for breeding of species listed
17 as threatened or endangered pursuant to 16 U.S.C. Section 1533;

18 (7) a wildlife sanctuary, as defined in Section 47-2-20(6);

19 (8) circuses, defined as exhibitors holding a Class C license
20 under the Animal Welfare Act, 7 U.S.C. Section 2131 et seq., as
21 amended, that:

22 (a) are temporarily in the state for less than ninety days per
23 year;

24 (b) regularly conduct performances featuring live dangerous
25 wild animals and multiple trained human entertainers, including
26 clowns and acrobats; and

27 (c) do not allow members of the public to be in proximity to
28 dangerous wild animals without sufficient distance and protective
29 barriers, including, but not limited to, offering photographic
30 opportunities next to dangerous wild animals of any age; or

31 (9) a person who does not reside in this State and is traveling
32 through this State with a regulated species if the transit time is not
33 more than forty-eight hours and the animal is at all times
34 maintained within a confinement sufficient to prevent the animal
35 from escaping.

36

37 Section 47-2-50. The prohibitions in Section 47-2-30(A) shall
38 not apply to a person who lawfully possessed a dangerous wild
39 animal prior to July 1, 2013, provided that:

40 (1) the person shall maintain veterinary records, acquisition
41 papers, or other documents or records that establish that the person
42 possessed the animal prior to July 1, 2013;

1 (2) the person shall not acquire additional dangerous wild
2 animals after July 1, 2013, whether by purchase, donation, or
3 breeding;

4 (3) the person shall not have been convicted of an offense
5 involving the abuse or neglect of any animal pursuant to any state,
6 local, or federal law;

7 (4) the person shall not have had a license or permit regarding
8 the care, possession, exhibition, breeding, or sale of animals
9 revoked or suspended by any state, local, or federal agency;

10 (5) the person must maintain liability insurance in an amount
11 of not less than two hundred fifty thousand dollars, with a
12 deductible of not more than two hundred fifty dollars, for each
13 occurrence of property damage, bodily injury, or death caused by
14 any dangerous wild animal possessed by the person; and

15 (6) at all times, possession, sale, transfer, and transport of the
16 dangerous wild animal complies with all applicable state, local,
17 and federal laws. Nothing in this subsection precludes an owner
18 from transferring a dangerous wild animal lawfully possessed
19 before July 1, 2013 to another owner who is in lawful possession
20 of a dangerous wild animal.

21
22 Section 47-2-60. (A) A city or county may adopt an ordinance
23 to implement this chapter upon completion of all applicable
24 hearing and notice requirements, including, but not limited to:

25 (1) establishing reasonable and necessary fees in amounts
26 sufficient to cover the costs of enforcing this section;

27 (2) establishing humane care standards; and

28 (3) expanding the definition of dangerous wild animal.

29 However, the regulations shall not amend the list of exempted
30 entities contained in Section 47-2-40.

31 (B) Law enforcement officers may, upon probable cause, seize
32 any or all dangerous wild animals possessed in violation of this
33 chapter. Upon judicial determination that:

34 (1) the seized animals are dangerous wild animals, as defined
35 in Section 47-2-20(2); and

36 (2) the owner of the seized animals has violated this chapter
37 with regard to those seized dangerous wild animals, then such
38 dangerous wild animals seized under this section shall be deemed
39 forfeited.

40 (C) Dangerous wild animals seized and deemed forfeited under
41 this subsection shall be placed in the custody and control of an
42 institution accredited by the Association of Zoos and Aquariums
43 (AZA) or a wildlife sanctuary (as defined in Section 47-2-20(6)).

1 If law enforcement officers, after a reasonable effort, can not find
2 an accredited zoo or wildlife sanctuary that is willing and able to
3 take custody and control of a seized and forfeited dangerous wild
4 animal, that animal may be humanely euthanized in compliance
5 with state and federal law.

6 (D) Dangerous wild animals seized, but not deemed forfeited
7 under this chapter, must be kept in the custody of an institution
8 accredited by the Association of Zoos and Aquariums (AZA), a
9 wildlife sanctuary (as defined in Section 47-2-20(6)), or a
10 temporary holding facility identified in Section 47-2-20(1), until
11 disposition of the seized dangerous wild animals. Nothing in this
12 subsection precludes an animal control officer from impounding a
13 dangerous wild animal on the owner's property until an
14 AZA-accredited zoo or wildlife sanctuary is located for placement.

15 The accredited zoo, wildlife sanctuary, or temporary holding
16 facility having custody of the dangerous wild animal may file a
17 petition with the court requesting that the person from whom the
18 dangerous wild animal was seized, or the owner of the dangerous
19 wild animal, be ordered to post security. The security must be in an
20 amount sufficient to secure payment of all reasonable expenses
21 expected to be incurred by the accredited zoo, wildlife sanctuary,
22 or temporary holding facility in caring for and providing for the
23 dangerous wild animal pending the disposition of the animal.
24 Reasonable expenses include, but are not limited to, estimated
25 medical care and boarding of the dangerous wild animal pending
26 disposition. The amount of the security must be determined by the
27 court after taking into consideration all of the facts and
28 circumstances of the case, including, but not limited to, the
29 recommendation of the impounding organization having custody
30 and care of the seized dangerous wild animal and the cost of caring
31 for the dangerous wild animal. If security has been posted in
32 accordance with this subsection, the accredited zoo, wildlife
33 sanctuary, or temporary holding facility may draw from the
34 security the actual costs incurred in caring for the seized dangerous
35 wild animal.

36 Upon receipt of a petition, the court must set a hearing on the
37 petition, to be conducted within fifteen business days after the
38 petition is filed. The petitioner shall serve a true copy of the
39 petition upon the owner of the dangerous wild animal and the state
40 or local law enforcement entity that seized the dangerous wild
41 animal. The petitioner also shall serve a true copy of the petition
42 on any interested person. For the purposes of this subsection,
43 'interested person' means an individual, partnership, firm, joint

1 stock company, corporation, association, trust, estate, or other legal
2 entity that the court determines may have a pecuniary interest in
3 the animal that is the subject of the petition. The court must set a
4 hearing date to determine any interested parties.

5 If the court orders the posting of security, the security must be
6 posted with the clerk of the court within five business days after
7 the hearing. If the person ordered to post security does not do so,
8 the dangerous wild animal is deemed forfeited by operation of law
9 and the accredited zoo, wildlife sanctuary, or temporary holding
10 facility having custody of the dangerous wild animal shall have
11 legal custody and control over the dangerous wild animal.

12 Upon judicial determination on the disposition of the seized
13 dangerous wild animal, the person who posted the security is
14 entitled to a refund of the security for any expenses not incurred by
15 the impounding organization.

16 (E) Nothing in this chapter shall be construed to prevent the
17 voluntary, permanent relinquishment of any dangerous wild animal
18 to an institution accredited by the Association of Zoos and
19 Aquariums (AZA) or a wildlife sanctuary (as defined in Section
20 47-2-20(6)) in lieu of posting security. Criminal charges may still
21 be pursued by the appropriate authorities even if the owner
22 voluntarily relinquished the animal.

23
24 Section 47-2-70. (A) A dangerous wild animal may not be:

25 (1) tethered, leashed, or chained outdoors or allowed to run
26 at large; or

27 (2) mistreated, neglected, abandoned, or deprived of
28 necessary food, water, or sustenance.

29 (B) A person transporting a dangerous wild animal in a vehicle
30 shall keep the animal securely caged in the vehicle at all times.

31 (C) The possessor of a dangerous wild animal shall have a plan
32 for the quick and safe recapture of the dangerous wild animal if the
33 dangerous wild animal escapes, and if recapture is impossible, a
34 plan for the destruction of the dangerous wild animal.

35 (D) If a person realizes that he can no longer care for a
36 dangerous wild animal, a wildlife sanctuary or an Association of
37 Zoos and Aquariums accredited facility must be contacted for
38 possible placement of the animal before euthanization of the
39 dangerous wild animal. At all times euthanization of a dangerous
40 wild animal must comply with state and federal law.

41
42 Section 47-2-80. If a dangerous wild animal escapes or is
43 released, either intentionally or unintentionally, the possessor of

1 the dangerous wild animal immediately shall contact a law
2 enforcement officer of the city or county where the possessor
3 resides to report the escape or release. The possessor is liable for
4 all expenses associated with efforts to recapture the animal.

5
6 Section 47-2-90. The possessor of a dangerous wild animal shall
7 allow a law enforcement officer to enter the premises where the
8 animal is kept at all reasonable times to ensure compliance with
9 this chapter.

10
11 Section 47-2-100. (A) A person who violates a provision of
12 this chapter is guilty of a misdemeanor and, upon conviction, must
13 be fined two hundred dollars, or imprisoned not more than thirty
14 days. Upon conviction of a second or subsequent offense, he must
15 be fined one thousand dollars, none of which may be suspended or
16 remitted.

17 (B) A possessor of a dangerous wild animal who violates
18 Section 47-2-70(A) or (B), or Section 47-2-80 that results in the
19 animal attacking and injuring a human being:

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

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

26
27 Section 47-2-110. A municipality or county may adopt an
28 ordinance that regulates the possession of dangerous wild animals
29 which is more restrictive than the provisions contained in this
30 chapter.”

31
32 SECTION 2. This act takes effect July 1, 2013.

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