

States' Animal Cruelty Statutes: South Carolina

Current through the 2020 session.

§ 47-1-10. Definitions.

As used in this chapter:

(1) "Animal" or "animals" shall be held to include all living vertebrate creatures except homo sapiens.

(2) "Sustenance" means adequate food provided at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight and adequate water provided with constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species.

(3) "Shelter" means shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

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

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

§ 47-1-40. Ill-treatment of animals generally; penalties.

(A) Whoever knowingly or intentionally overloads, overdrives, overworks, ill-treats any animal, deprives any animal of necessary sustenance or shelter, inflicts unnecessary pain or suffering upon any animal, or by omission or commission knowingly or intentionally causes these 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 silvacultural practices, wildlife management practices, or activity authorized by Title 50, including an activity authorized by the South Carolina Department

of Natural Resources or an exercise designed for training dogs for hunting, if repeated contact with a dog or dogs and another animal does not occur during this training exercise.

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

(A) An owner, a possessor, or a person having the charge or custody of an animal may not:

- (1) cruelly drive or work it when unfit for labor;
- (2) carry it, or cause it to be carried, in or upon a vehicle or otherwise in an unnecessarily cruel or inhumane manner.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished for each offense in the manner prescribed in Section 47-1-40(A).

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

Any person who (a) cuts the tissue or muscle of the tail of any horse, ass, mule, mare or gelding, or otherwise operates upon it in any manner for the purpose or with the effect of altering the natural carriage of the tail, except when such cutting or operation is necessary for the health or life of the animal, as certified to in writing by a licensed veterinarian, (b) causes, procures or knowingly permits such cutting or operation to be done or (c) assists in or is voluntarily present at such cutting or operation shall be guilty of a misdemeanor.

Any person convicted of violating any of the provisions of this section shall be fined not less than fifty nor more than one hundred dollars or imprisoned not less than fifteen nor more than thirty days.

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

(A) A person may not abandon an animal. As used in this section "abandonment" is defined as deserting, forsaking, or intending to give up absolutely an animal without securing another owner or without providing the necessities of life. "Necessities of life" includes:

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

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred nor more than five hundred dollars or

imprisoned not more than thirty days, or both. Offenses under this section must be tried in the magistrate's or municipal court.

(C) A hunting dog that is positively identifiable in accordance with Section 47-3-510 or Section 47-3-530 is exempt from this section.

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

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

§ 47-1-80. 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.

§ 47-1-90. 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 section to prohibit their continuous confinement beyond the period of thirty-six hours, except upon the contingencies hereinbefore stated.

§ 47-1-100. 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.

§ 47-1-110. 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 and 47-1-100 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.

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

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

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

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

(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.

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

(A) Any person violating the laws in relation to cruelty to animals may be arrested by a law enforcement officer and held, without warrant, in the same manner as in the case of persons found breaking the peace.

(B) The South Carolina Society for the Prevention of Cruelty to Animals, or other organizations organized for the same purpose, may not make an arrest for a violation of the laws in relation to cruelty to animals.

§ 47-1-140. Care of animals after arrest of person in charge; lien.

The person making the arrest, with or without warrant, shall use reasonable diligence to give notice to the owner of the animals found in the charge or custody of the person arrested, if the person is not the owner, and shall care and provide properly for the

animals. The person making such arrest shall have a lien on the animals for the expense of such care and provision. But if such person making the arrest be an agent of the South Carolina Society for the Prevention of Cruelty to Animals, or other society incorporated for that purpose, the provisions of Section 47-1-120 shall apply in lieu of the provisions of this section. Notwithstanding any other provision of law, an animal may be seized preceding an arrest and pursuant to Section 47-1-150.

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

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

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

(C)(1) If the court makes a final determination of the charges or claims against the defendant in his favor, then the defendant may recover custody of his animal.

(2) If the defendant is found guilty, then the custodian of the animal may then determine if the animal is suitable for adoption and if adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household if the defendant was found guilty. If no adoption can be arranged after the forfeiture or if the animal is unsuitable for adoption, then the custodian shall humanely euthanize the animal.

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

(1) an estimate of the daily custodial costs required to care for the animal;

(2) a statement that the defendant, if found guilty, shall be required to pay for the animal's care during impoundment; and

(3) a statement that the defendant, at any time prior to final adjudication, has the right to forfeit ownership of the animal and avoid all future custodial costs related to the animal's care but not costs already accrued.

(E) The remedy provided for in this section is in addition to any other remedy provided by law.

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

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

(B) The purpose of this section is to provide a means by which a neglected or mistreated animal can be:

(1) removed from its present custody, or

(2) made the subject of an order to provide care, issued to its owner by the magistrate or municipal judge, any law enforcement officer, or any agent of the county and given protection and an appropriate and humane disposition made.

(C) Any law enforcement officer or any agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or any society incorporated for that purpose may move before a magistrate for an order to:

(1) lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location if deemed by the court that removal is necessary to prevent further suffering or ill-treatment, or

(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.

§ 47-1-170. Penalties for violations of 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.

§ 47-1-200. Requirements for transfer of animals and importation or exportation of dog or cat; penalties for violations.

(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.

§ 47-1-210. Live animals as prizes; exceptions; penalties.

(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.

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

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

§ 47-2-30. Possession or purchase of large wild cat, non-native bear, or great ape prohibited; exceptions; registration.

(A) Except as otherwise provided in this chapter, it is unlawful for a person to import into, possess, keep, purchase, have custody or control of, breed, or sell within this State, by any means, a large wild cat, non-native bear, or great ape, including transactions conducted via the Internet.

(B) A person in legal possession of a large wild cat, non-native bear, or great ape prior to January 1, 2018, and who is the legal possessor of the animal, may keep possession of the animal for the remainder of the animal's life, subject to the following conditions:

(1) on or before January 1, 2018, the possessor of a large wild cat, non-native bear, or great ape shall register with the animal control authority for the city or county in which the animal is located. The registration shall include the person's name, address, telephone number, a complete inventory of each large wild cat, non-native bear, or great ape that the person possesses, a photograph or microchip number for each animal, the address for the site at which each animal is located, and the payment to the animal control authority of a one-time fee of five hundred dollars per site at which a large wild cat, non-native bear, or great ape is to be located, and an annual fee of one hundred dollars per large wild cat, non-native bear, or great ape located at that site to cover the costs of enforcement of this chapter. A possessor shall have a continuing obligation to promptly notify the animal control authority with jurisdiction of any material changes to the information required for registration;

(2) the possessor shall prepare and submit to the animal control authority at the time of payment of the fee required by item (1) a contingency plan to protect first responders by providing for the quick and safe recapture of the large wild cat, non-native bear, or great ape in the event of an escape;

(3) the possessor shall maintain veterinary records, acquisition papers for the animal, or other documents or records that establish that the person possessed the animal prior to January 1, 2018;

(4) the possessor shall present paperwork described in item (3) to an animal control or law enforcement authority upon request;

(5) the possessor shall comply with the basic standards for housing exotic animals and protecting the public under the federal Animal Welfare Act, 7 U.S.C. Section 2131, et seq., as amended, and the regulations adopted pursuant to that act, and shall allow the animal control authority access to the animal's housing in order to ensure that the animal is properly cared for and poses no risk of unauthorized contact with the public;

(6) the possessor shall notify the animal control authority, the local sheriff's department, and police department, if applicable, immediately upon discovery that the large wild cat, non-native bear, or great ape has escaped. The possessor of the animal shall be liable for any and all costs associated with the escape, capture, and disposition of a registered animal; and

(7) the possessor shall comply with any and all applicable federal, state, or local law, rule, regulation, ordinance, permit, or other permission regarding ownership of large wild cats, non-native bears, and great apes. Failure to comply with any law, rule, regulation, ordinance, permit, or other permission constitutes a violation of this chapter.

§ 47-2-70. Penalties.

A person who violates this chapter must be fined not more than one thousand dollars or imprisoned for not more than thirty days for a first offense, and must be fined not more than five thousand dollars or imprisoned for not more than ninety days for a second offense.

§ 47-9-380. Unlawful branding.

It is unlawful for any person to brand, or to cause to be branded, any livestock:

- (1) With any brand unless it has been registered with and certified by the Secretary of State as his brand and has been recorded with the clerk of court in each county where he has livestock;
- (2) With any brand which is registered, certified and recorded as the brand of another; or
- (3) With any brand which has been abandoned or the registration of which has been canceled, unless the brand has thereafter been granted to him.

§ 47-15-20. Unlawful to feed garbage to swine.

It shall be unlawful for any person to feed garbage to swine.