

The State of South Carolina



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Attorney General

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Attorney General

January 19, 1989

Olin D. Rushton, Sheriff
Saluda County Sheriff
205 E. Church Street
Saluda, South Carolina 29138

Dear Sheriff Rushton:

In a telephone call to this Office a question was raised as to whether a scheduled "bear fighting match" whereby a live bear would engage in a match with an individual would be in violation of this State's "Animal Fighting and Baiting Act" which is codified in Sections 16-27-10 et seq. of the Code.

In the opinion of this Office a live bear would be within the definition of an "animal" as defined by that act. Pursuant to Section 16-27-20(b) "fighting" is defined as

...an attack with violence by an animal against another animal or a human.

Pursuant to subsection (c) of such provision, the term "baiting" includes

...to cause an animal to engage in, fights with or among other animals or between animals or humans.

Section 16-27-30 states that any individual who

- (a) owns an animal for the purpose of fighting or baiting;
- (b) is a party to or causes any fighting or baiting of any animal;
- (c) purchases, rents, leases, or otherwise acquires or obtains the use of any structure, facility, or location for the purpose of fighting or baiting any animal; or
- (d) knowingly allows or permits or makes available any structure, facility, or location to be used for the purpose of fighting or baiting any animal is guilty of a felony....

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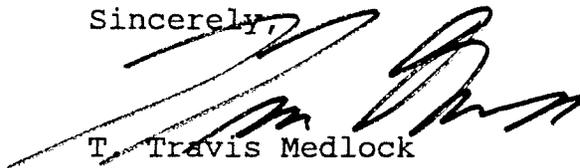
Section 16-27-40 states that any person who

- (a) is present at any structure, facility, or location where preparations are being made for the purpose of fighting or baiting any animal with knowledge that those preparations are being made, or
- (b) is present at any structure, facility, or location with knowledge that fighting or baiting of any animal is taking place or is about to take place there is guilty of a misdemeanor...

In the opinion of this Office the situation involving the referenced "bear fighting match" could be a violation of these provisions if the activities carried on come within the definition of "fighting" or "baiting" as explained above.

If there are any questions, please advise.

Sincerely,



T. Travis Medlock
Attorney General

TTM:sds