

Point & Suspension Systems for Natural Resource Violations

dnr.sc.gov/regs/points.html

South Carolina law has established suspension systems based upon the accumulation of points assessed for convictions of natural resource laws.

The Game and Fish Point System applies to violations inland of the saltwater/freshwater dividing line and if suspended under this system, a person cannot hunt, fish, gather, trap, land, or pursue game, fish, crustaceans, or shellfish in the State (including coastal waters out to the three mile limit).

The Saltwater Point System applies to violations within the coastal waters of the State. The point categories for assessments are recreational and commercial. Points are assessed according to the appropriate category. Upon accumulation of 18 or more points in the recreational or commercial categories, a person's privileges to fish, gather, land, attempt to take, or possess fish, shellfish, or crustaceans within the coastal waters for the purposes of the affected category, either recreational or commercial, will be suspended. Suspensions under the Saltwater Point System do not affect inland freshwater fishing privileges except for shad, herring, and sturgeon which are regulated by coastal laws inland of the saltwater/freshwater dividing line.

Each time a person is convicted of a violation listed in the point systems, the Department must assess the points against the person's record. Half of the points on record are reduced for each full year in which the person receives no points. The Department of Natural Resources must suspend the privileges of any person who has accumulated eighteen (18) or more points.

In addition to these point suspensions, South Carolina law also contains mandatory suspensions for convictions of specific violations of the law. These suspensions are called "Statutory Suspensions." See Table C for some specific examples of statutory suspensions.

Note:

- *A violation of natural resources law while under suspension may result in additional suspensions of one year to five years.*
- *The purchase or procurement of a license, permit, stamp, or tag allowing suspended privileges while under suspension is a fraudulent purchase and is a misdemeanor punishable by a fine of up to \$1,025.00 and an additional one year suspension of hunting and fishing privileges.*
- *Failure to pay fines, restitutions, may result in suspension of privileges.*

Table A: Game & Fish Points

1. Resisting arrest by force, violence, or weapons against the person of any law enforcement officer enforcing natural resource laws 18

2. Attempting escape after arrest 14
3. Hunting or fishing in a state sanctuary 14
4. Hunting, fishing, or trapping out of season 10
5. Unlawful selling of game or game fish 14
6. Using a borrowed or altered hunting or fishing license, permit, stamp, or tag 10
7. Taking more than the legal limit of game or fish (except striped bass) 8
8. Hunting or fishing without a proper license, permit, stamp, or tag 6
9. Trespassing to hunt, fish, or trap . . . 10
10. Violating Wildlife Management Area regulations 8
11. Unlawful hunting, taking, possessing, or selling alligators 14
12. Killing or attempting to kill or molest deer from a motorboat 14
13. Night hunting deer or bear 18
14. Unlawful transportation of furs or hides and possession of untagged hides 10
15. Trapping quail or turkeys 10
16. Unlawful hunting over bait 8
17. Unlawful killing or possession of antlerless deer 14
18. Unlawful night hunting other game, except deer or bear, or hunting during prohibited or after hours 8
19. Unlawful possession of buckshot 5
20. Hunting migratory birds with an unplugged gun 4
21. Killing or possession of wild turkey during the closed season 18
22. Killing or possession of a hen turkey during the spring gobbler season . . . 14
23. Roost shooting turkey between one-half hour after sunset to one-half hour before sunrise 18
24. Shooting (game taken) turkey over bait 18
25. Hunting turkey over bait (no game taken) 10
26. Trespassing to hunt waterfowl 18
27. Hunting waterfowl over bait 10
28. Shooting (game taken) waterfowl over bait 10
29. Hunting waterfowl out of season . . . 15
30. Taking or possession of more than one waterfowl over the legal limit . . . 15
31. Unlawful possession, taking, or attempting to take raccoons during the season for hunting without firearms 14
32. Trapping, netting, or seining game fish unlawfully 10
33. Taking game or fish in any illegal

- manner not specifically mentioned elsewhere in the point systems 8
34. Taking or possessing an undersized striped bass 14
35. Taking or possessing more than the legal limit of striped bass 14

NOTE: Some examples of Item 33 are:

- a. Taking game while in possession of lead shot while hunting for waterfowl;
- b. Taking fish with too many devices;
- c. Killing birds of prey (Hawks, Kites, Vultures, Kestrels, Owls, or Falcons);
- d. Killing/possession of nongame birds;
- e. Taking fish while violating specific freshwater nongame fishing laws such as illegal bait on trotlines or set hooks;
- f. Taking game while jump shooting waterfowl or rails;
- g. Taking game while violating specific trapping laws such as unlawful traps.

Other less common examples are, but are not limited to, taking game while unlawfully hunting with an electronic call, killing a turkey with a rifle. The application of item 33 is very broad and examples are given for clarification.

Item 33 applies to unlawfully taking game or fish in a way that is not specifically addressed by the Game and Fish Point System.

Table B: Saltwater Points

Saltwater points are assessed in two categories: Recreational and Commercial. Upon an accumulation of eighteen (18) or more points in a category, the privileges of that category will be suspended for one year. While under Recreational Suspension, a person found guilty of a commercial saltwater violation will have all saltwater privileges suspended for one year. While under Commercial Suspension, a person found guilty of a recreational violation will have all saltwater privileges suspended for one year.

1. Failing to keep records or make reports as required by law, permit or regulation 4
2. Violations of law pertaining to crab size limit or sponge crabs 4
3. Violations of a section of Title 50 pertaining to saltwater fisheries not mentioned specifically in this section . . 6
(NOTE: This point assessment applies to all other convictions that are not specifically mentioned herein. Any conviction for a violation of a saltwater fisheries law will be assessed a minimum of 6 points).
4. Taking, attempting to take, or possessing fish, shellfish or crustaceans in an unlawful manner, in unlawful or

closed areas, during unlawful hours, or during the closed season except trawling violations 8

5. Selling or offering for sale fish, shellfish, crustaceans, or other seafood or marine products without a proper license, permit, stamp, or tag 8

6. Unlawfully buying fish, shellfish, crustaceans or other seafood or marine products without a proper license, permit, stamp or tag 8

7. Trawling inside the General Trawling Zone other than in restricted areas:
 (a) more than one quarter nautical mile during the closed season 10
 (b) more than one quarter nautical mile at a time more than ten minutes before daily opening or ten minutes after daily closing times during the open season 10

8. Trawling in a restricted area during the closed season 10

9. Trawling outside the General Trawling Zone:
 (a) one hundred yards or less distance from the nearest point of the General Trawling Zone during the open season 10
 (b) more than one hundred yards distance from the nearest point of the General Trawling Zone during the open season 18
 (c) during the closed season 18

10. Taking or attempting to take fish, shellfish or crustaceans for a commercial purpose without a proper license, permit, stamp or tag 10

11. Captain or crew of a boat failing to cooperate with an enforcement officer. 18

12. Channel netting in an area closed to channel netting or during closed season for channel netting 18

13. Applying for or obtaining any resident license as provided in this chapter using a falsified application or supporting documentation, or simultaneously possessing any current, valid South Carolina resident license as provided in this chapter while possessing any resident license from another state . . 18

Note:
 ***It is unlawful for a person whose commercial

*privileges are suspended under this chapter to be on board any vessel while the vessel is being utilized to take or attempt to take saltwater fish for commercial purposes****

Point System Suspensions and Appeals

Point system suspensions begin eleven (11) days after notice to the individual. A person who has been notified of a suspension may appeal the suspension to the Administrative Law Court. The request for appeals must be in writing and postmarked within ten (10) days of notification of the suspension. The appeal is limited to the accuracy of the points assessed and the identity of the violator. The Administrative Law Court cannot override a conviction and cannot allow a reduction of points unless the points are in error. To appeal a point suspension, write the S.C. Department of Natural Resources, Records and Intelligence Section, Law Enforcement Division, P.O. Box 167, Columbia, S.C., 29202 or call 803-734-4002.

Table C: Statutory Suspensions

Many laws pertaining to natural resources and boating contain mandatory suspensions. These suspensions start upon conviction and run for specified times according to law. These suspensions will affect privileges and may affect licenses, permits, stamps, tags or registrations. Examples of violations for which suspensions are mandated include, but are not limited to:

- A. Hunting from a public road . . . 1 year;
- B. Unlawfully taking a wild turkey .1 year;
- C. Conspiracy to violate natural resource laws 1 year;
- D. Obtaining a license, permit, stamp, or tag by fraud 1 year;
- E. Altering, post dating, borrowing, or lending a license, permit, stamp, or tag 1 year;
- F. Criminal, negligent use of a firearm 1 to 5 years;
- G. Boating under the influence 6 months to 5 years;
- H. Trawling violations 1 year;
- I. Killing a Bald Eagle 5 years;
- J. Failure to pay fines or restitution suspended until payment is received;

- K. Third (3) offense negligent operation of a watercraft. . . . 6 months;
- L. Bear violations 3 years;
- M. Impeding the right to hunt, fish, or trap 1 year;

The above listed violations are examples of statutory suspensions. Other statutory suspensions exist with time periods ranging from 10 days to ten years for certain violations and certain privileges.

Suspension Violations

Persons convicted of hunting or fishing while under suspension will have an additional three (3) to five (5) years added to the original suspension date. In addition, some suspension violations require mandatory jail terms and may affect the right to own or be in possession of a firearm. Persons whose privileges are suspended are not eligible to hold licenses, permits, stamps, or tags. Purchase or procurement of licenses, permits, stamps, or tags while under suspension is a fraudulent purchase and is punishable by a fine up to \$1,025.00 and an additional one year suspension. To find out more information on suspensions, contact the S.C. Department of Natural Resources, Records and Intelligence Section, Law Enforcement Division, P.O. Box 167, Columbia, S.C. 29202 or call 803-734-3640 or 803-734-4048.

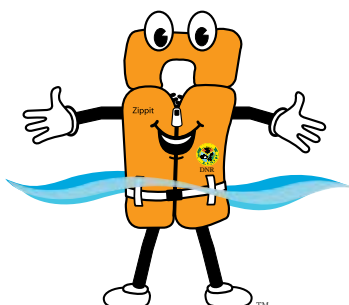
Angler Ethics

Responsible anglers, who respect our fishery resources, comply with ethical principles when afield because they know their actions will contribute to a more pleasurable fishing experience for themselves and fellow anglers. Anglers who respect our fishery resources:

1. Follow all fishing and boating regulations.
2. Limit the number of fish they kill to those to be eaten or mounted and never keep fish just to show off.
3. Practice Catch and Release.
4. Properly dispose of litter, garbage and fish remains in public trash containers or at their homes.
5. Respect the rights of fellow anglers by keeping a reasonable distance from other boats and other anglers.
6. Minimize time at ramps to allow fellow boaters equal access.
7. Fish on private property only when they have permission from the landowner.
8. Behave in a safe, courteous manner.

Buy it. Wear it.
Zip it.

Take a **free** boating safety course
 1-800-277-4301
dnr.sc.gov/boating/



National Hunting & Fishing Day
 October 4, 2008
 803-734-0256