**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3541**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J. Moore

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Introduced in the House on January 10, 2023

Currently residing in the House Committee on **Judiciary**

Summary: Excessive Force

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/15/2022 House Prefiled

 12/15/2022 House Referred to Committee on **Judiciary**

 1/10/2023 House Introduced and read first time (House Journal‑page 204)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 204)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3541&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3541_20221215.docx)

A bill

to amend the South Carolina Code of Laws by adding Section 23-1-250 so as to provide it is unlawful for LAW ENFORCEMENT OFFICERS to USE EXCESSIVE FORCE WHEN DETAINING or ARRESTing persons, to provide a penalty, to provide the procedure for investigating the death of persons by the use of excessive force, and to define certain terms.

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

SECTION 1. Chapter 1, Title 23 of the S.C. Code is amended by adding:

 Section 23‑1‑250. (A) A law enforcement officer may not use greater restraint than is necessary when detaining a person or unreasonable force when making an arrest.

 (B) A person who violates this section is guilty of use of excessive force, a felony, and, upon conviction, must be imprisoned for not more than thirty years. Charges pursuant to this section only must be brought by an investigative agency.

 (C) In the event that the use of excessive force results in the death of a person, the law enforcement agency investigating the death may not be the employer of the officer accused of use of excessive force.

 (D) For purposes of this section:

 (1) “Use of excessive force” means the application of force including, but not limited to, in a manner that applies extended or continued pressure to the throat or windpipe, a maneuver that restricts blood or oxygen flow to the brain, or a carotid artery restraint that prevents or hinders breathing or reduces the intake of air by an individual.

 (2) “Law enforcement officer” means an officer, deputy, employee, or agent of a state or local law enforcement agency, or an officer, employee, or agent of a state or local detention facility.

SECTION 2. This act takes effect upon approval by the Governor.

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