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CHAPTER 20.

 LAW ENFORCEMENT ASSISTANCE AND SUPPORT ACT

**SECTION 23‑20‑10.** Short title.

This chapter may be cited as the “Law Enforcement Assistance and Support Act”.

**SECTION 23‑20‑20.** Definitions.

As used in this chapter:

(1) “Law enforcement agency” means any state, county, municipal, or local law enforcement authority that enters into a contractual agreement for the procurement of law enforcement support services.

(2) “Law enforcement provider” means any in‑state or out‑of‑state law enforcement authority that provides law enforcement services to a law enforcement agency pursuant to this chapter.

(3) “Law enforcement services” means any law enforcement assistance or service for which a fee is paid based on a contractual agreement.

**SECTION 23‑20‑30.** Authority to contract with law enforcement providers.

(A) The General Assembly recognizes the need to promote public safety and further recognizes that there may be situations where additional law enforcement officers are needed to maintain the public peace and welfare. Therefore, the General Assembly authorizes a law enforcement agency of this State to enter into contractual agreements with other law enforcement providers as may be necessary for the proper and prudent exercise of public safety functions. Public safety functions include traditional public safety activities which are performed over a specified time period for patrol services, crowd control and traffic control, and other emergency service situations. All contractual agreements shall adhere to the requirements contained in Section 23‑20‑40.

(B) Nothing in this chapter may be construed to alter, amend, or affect any rights, duties, or responsibilities of law enforcement authorities established by South Carolina’s constitutional or statutory laws or established by the ordinances of South Carolina’s political subdivisions, except as expressly provided for in this chapter.

**SECTION 23‑20‑40.** Required contractual provisions.

All written contractual agreements for law enforcement services must include, but may not be limited to, the following:

(a) a statement of the specific services to be provided;

(b) specific language dealing with financial agreements between the parties;

(c) specification of the records to be maintained concerning the performance of services to be provided to the agency;

(d) language dealing with the duration, modification, and termination of the contract;

(e) specific language dealing with the legal contingencies for any lawsuits or the payment of damages that arise from the provided services;

(f) a stipulation as to which law enforcement authority maintains control over the law enforcement provider’s personnel; and

(g) specific arrangements for the use of equipment and facilities.

**SECTION 23‑20‑50.** Approval of contracts; copy to Governor and Director of State Budget and Control Board; powers of officers of law enforcement authority.

(A) An agreement entered into pursuant to this chapter on behalf of a law enforcement authority must be approved by the appropriate state, county, or local law enforcement authority’s chief executive officer. A state law enforcement authority must provide a copy of the agreement to the Governor and the Executive Director of the State Budget and Control Board no later than one business day after executing the agreement. An agreement entered into with a local law enforcement authority pursuant to this chapter must be approved by the governing body of each jurisdiction. For agreements entered into prior to June 1, 2000, the agreement may be ratified by the governing body of each jurisdiction.

(B) The officers of the law enforcement provider have the same legal rights, powers, and duties to enforce the laws of South Carolina as the law enforcement agency contracting for the services.

**SECTION 23‑20‑60.** Waiver of requirement for written contractual agreement.

The Governor, upon the request of a law enforcement authority or in his discretion, may by executive order, waive the requirement for a written contractual agreement for law enforcement services required by this chapter during a natural disaster or other emergency affecting public safety.