

Session 116 - (2005-2006)

H 3027 General Bill, By Sinclair, Barfield, Young, Leach, Viers, Littlejohn, Bales, Toole and M.A. Pitts

Summary: Law enforcement engaging in political activity; due process for disciplinary procedures

A BILL TO AMEND CHAPTER 1, TITLE 23, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY GENERAL PROVISIONS, BY ADDING SECTION 23-1-10 SO AS TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY ENGAGE IN POLITICAL ACTIVITY WHILE OFF DUTY AND MUST NOT BE DENIED THE RIGHT TO REFRAIN FROM ENGAGING IN POLITICAL ACTIVITY; AND BY ADDING ARTICLE 3 RELATING TO DUE PROCESS DISCIPLINARY PROCEDURES FOR LAW ENFORCEMENT OFFICERS, SO AS TO INCLUDE DEFINITIONS USED IN CONNECTION WITH DISCIPLINARY PROCEEDINGS FOR LAW ENFORCEMENT OFFICERS DISCIPLINARY PROCEEDINGS, TO PROVIDE FOR CERTAIN RIGHTS AND RESPONSIBILITIES OF EMPLOYING AGENCIES AND LAW ENFORCEMENT OFFICERS IN CONNECTION WITH INVESTIGATIONS INTO ALLEGATIONS THAT A LAW ENFORCEMENT OFFICER COMMITTED AN OFFENSE OR ENGAGED IN MISCONDUCT, TO PROVIDE FOR DUE PROCESS WHEN CONDUCTING DISCIPLINARY HEARINGS, TO PROVIDE FOR AGENCY REVIEW OF CERTAIN FINDINGS AND RECOMMENDATIONS BEFORE TAKING DISCIPLINARY ACTION OR ADVERSE PERSONNEL ACTION AGAINST A LAW ENFORCEMENT OFFICER, TO PROVIDE FOR APPEALS FROM AGENCY FINDINGS AND RECOMMENDATIONS RESULTING IN DISCIPLINARY OR ADVERSE PERSONNEL ACTION AGAINST A LAW ENFORCEMENT OFFICER, AND TO PROVIDE SAFEGUARDS FOR PLACING ADVERSE PERSONNEL AND DISCIPLINARY MATERIAL IN A LAW ENFORCEMENT OFFICER'S PERSONNEL FILE; AND TO DESIGNATE SECTIONS 23-1-15 THROUGH 23-1-225 OF THE 1976 CODE AS ARTICLE 1 OF CHAPTER 1, TITLE 23.

12/08/04 House Prefiled

12/08/04 House Referred to Committee on Judiciary

01/11/05 House Introduced and read first time HJ-56

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01/12/05 House Member(s) request name added as sponsor: M.A.Pitts