**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑1‑235 SO AS TO PROVIDE THAT AGENCIES WHICH EMPLOY LAW ENFORCEMENT OFFICERS TO ENFORCE THE TRAFFIC LAWS OF THIS STATE MUST COLLECT AND MAINTAIN CERTAIN DATA RELATING TO VEHICLE TRAFFIC ENFORCEMENT INCLUDING, BUT NOT LIMITED TO, THE RACE OR ETHNICITY OF THE DRIVER STOPPED; AND TO REPEAL SECTION 23‑1‑235 RELATING TO THE COLLECTION AND MAINTENANCE OF CERTAIN DATA RELATING TO VEHICLE TRAFFIC ENFORCEMENT BY LAW ENFORCEMENT OFFICERS.

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

SECTION 1. Chapter 1, Title 23 of the 1976 Code is amended by adding:

“Section 23‑1‑235. (A) Agencies which employ law enforcement officers to enforce the traffic laws of this State, including, but not limited to, the Department of Public Safety, sheriff’s departments, and municipal police departments, must collect and maintain the following information regarding vehicle traffic enforcement:

(1) the number of drivers stopped for vehicle traffic enforcement where a warning or citation was issued;

(2) the identifying characteristics of each driver stopped, including his race or ethnicity, age, and gender;

(3) the alleged traffic violation that led to the stop;

(4) whether the vehicle, personal effects, driver, or any passengers were searched;

(5) the basis for the search; and

(6) the race or ethnicity of the officer.

(B) The information required by subsection (A) is not required to be collected in connection with driving under the influence checkpoints or other types of roadblocks, vehicle checks, or checkpoints that comply with the laws of this State and with the State and United States Constitutions, except when warnings or citations are issued, or searches, seizures, or arrests occur.

(C) The Department of Public Safety must report annually to the General Assembly the number of licensed drivers in each county as of December thirty‑first of the previous year. The number of licensed drivers must be categorized by age, gender, and race or ethnicity.

(D) The information required to be collected by subsections (A) and (C) must be reported to the Speaker of the House of Representatives and the President Pro Tempore of the Senate by the first day of each legislative session for distribution to the General Assembly.

(E) An agency which employs law enforcement officers to enforce the traffic laws of this State, including, but not limited to, the Department of Public Safety, sheriff’s departments, and municipal police departments, must compile, annually publish, and make available to the public in a report, the following information regarding formal complaints by members of the public against officers of the agency:

(1) the number of complaints received by type and location of incident by county;

(2) the gender, age, and race of the complainant, when known, and the gender, age, and race of any officer involved in the complaint;

(3) the disposition for each complaint including, but not limited to, whether the complaint was:

(a) exonerated. The alleged incident did occur, but the actions of the officer were justified, lawful, and proper;

(b) sustained. The investigation disclosed sufficient evidence to prove the allegation;

(c) not sustained. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation;

(d) unfounded. The alleged incident did not occur or there is insufficient information to conduct a meaningful investigation; and

(4) the total number of disciplinary actions, including, but not limited to, letters of reprimand, suspensions with or without pay, and dismissals, stemming from each type of sustained complaint.

(F) As used in subsection (E), ‘complaint’ means a signed report regarding vehicle traffic enforcement received by an agency regarding the conduct of an officer or of an incident, pattern, or practice of conduct that deprives a person of a right, privilege, or immunity secured or protected by the State or the United States Constitutions or any law of the State.

(G) The annual report required by subsection (E) must respect privacy concerns and must not include the name, badge number, or other identifying information regarding officers, complainants, or other participants in a complaint, other than the information required by this section.

(H) Nothing in this section may be construed to create a private cause of action.

(I) Nothing in this section prohibits the introduction, in any court of competent jurisdiction, of data obtained pursuant to the requirements of this section.”

SECTION 2. Section 23‑1‑235 is repealed July 1, 2010.

SECTION 3. This act takes effect July 1, 2009.

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