**A** **BILL**

TO AMEND SECTION 23‑1‑210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEMPORARY TRANSFER OF A LAW ENFORCEMENT OFFICER TO WORK IN A MULTIJURISDICTIONAL TASK FORCE, SO AS TO AUTHORIZE A LAW ENFORCEMENT AGENCY TO ENTER INTO MUTUAL AID AGREEMENTS OR MULTIJURISDICTIONAL TASK FORCE AGREEMENTS WITH OTHER LAW ENFORCEMENT PROVIDERS FOR ANY LENGTH OF TIME, TO PROVIDE THAT A SHERIFF MAY ENTER INTO AN AGREEMENT AS LONG AS THE AGREEMENT DOES NOT OBLIGATE HIS COUNTY’S GOVERNING BODY TO ANY ADDITIONAL RESOURCES BEYOND THOSE APPROVED WITHIN HIS ANNUAL BUDGET, TO PROVIDE THE CONDITIONS UPON WHICH AN AGREEMENT MAY BE TERMINATED, TO PROVIDE CERTAIN LIMITS PLACED UPON A LOCAL GOVERNING BODY WHEN IT ATTEMPTS TO PROHIBIT A LAW ENFORCEMENT AGENCY FROM TRANSFERRING OR ASSIGNING LAW ENFORCEMENT OFFICERS TO OTHER JURISDICTIONS, AND TO SPECIFY THE DIFFERENCES BETWEEN AGREEMENTS ENTERED INTO PURSUANT TO THIS SECTION AND UNDER THE LAW ENFORCEMENT ASSISTANCE SUPPORT ACT; AND TO REPEAL SECTION 23‑1‑215, AS AMENDED, RELATING TO AGREEMENTS THAT MAY BE ENTERED INTO BETWEEN MULTIPLE LAW ENFORCEMENT JURISDICTIONS FOR THE PURPOSE OF CRIMINAL INVESTIGATIONS.

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

SECTION 1. Section 23‑1‑210 of the 1976 Code, as last amended by Act 3 of 2007, is further amended to read:

“Section 23‑1‑210. (A) The General Assembly recognizes the need to promote public safety and further recognizes that there may be situations where additional law enforcement officers or additional resources are needed to maintain the public peace and welfare. Therefore, the General Assembly authorizes a law enforcement agency of this State to enter into mutual aid agreements or multijurisdictional task force agreements with other law enforcement providers as may be necessary for the proper and prudent exercise of public safety functions.

(B) ~~Any~~ Unless otherwise prohibited by ordinance of the respective governing body of the county, municipality, or political subdivision, any municipal or county law enforcement officer may be transferred or assigned ~~on a temporary basis~~ to work in law enforcement ~~within multijurisdictional task forces established~~ for the mutual aid and benefit of the participating jurisdictions, or in any other municipality or county in this State under the conditions set forth in this section, and when so transferred or assigned shall have all powers and authority of a law enforcement officer employed by the jurisdiction to which he is transferred or assigned. However, nothing in this section shall preclude the Sheriff of any county in this state from entering into the agreements authorized in this section, as long as the agreements do not obligate the governing body to any additional financial resources beyond those approved within any annual budget cycle of the governing body.

~~(B)~~(C) Prior to any transfer or assignment as authorized in subsection ~~(A)~~(B), the concerned ~~municipalities or~~ counties law enforcement agencies shall enter into written agreements stating the conditions and terms of the ~~temporary~~ employment of officers to be transferred or assigned. The bond for any officer transferred or assigned shall include coverage for his activity in the municipality or county to which he is transferred or assigned in the same manner and to the same extent provided by bonds of regularly employed officers of that municipality or county.

~~(C)~~(D) Agreements made pursuant to subsection ~~(B)~~(C) provide that ~~temporary~~ transfers or assignments shall in no manner affect or reduce the compensation, pension, or retirement rights of transferred or assigned officers and such officers shall continue to be paid by the county or municipality where they are permanently employed, with the sending county or municipality being reimbursed for their services by the county or municipality to which they are transferred or assigned, in accordance with the reimbursement terms as may be included in the agreements.

(E) Agreements made pursuant to this section may be terminated in writing at the discretion of any of the law enforcement agencies involved. The termination must be delivered or mailed to the appropriate agencies with return receipt requested.

(F) Any action made by the governing body of a county which has direct supervisory authority over a county law enforcement agency or municipality that prohibits a law enforcement agency from transferring or assigning law enforcement officers to other jurisdictions must run coterminous with the tenure of the law enforcement agency head appointed by the governing body. In no case shall the prohibitive actions of a governing body of a county which has direct supervisory authority over a county law enforcement agency or municipality extend to a future law enforcement agency head.

(G) The decision of a governing body of a county, municipality, or political subdivision to prohibit a law enforcement agency from transferring or assigning law enforcement officers to other jurisdictions shall not impede or affect the sheriff’s authority to enforce the law in the county to which he has been elected.

(H) Unlike agreements entered into pursuant to the ‘Law Enforcement Assistance and Support Act’, as referenced in Section 23‑20‑10, agreements entered into pursuant to this section do not require the law enforcement services to be performed over a specified time period.”

SECTION 2. Section 23‑1‑215 of the 1976 Code is repealed.

SECTION 3. This act takes effect upon approval by the Governor.

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