COMMITTEE REPORT

April 22, 2015

**H. 3997**

Introduced by Reps. Gilliard, Anderson, King, Lucas, Mack, Robinson‑Simpson, Clyburn, Stavrinakis, Govan, M.S. McLeod, Alexander, Merrill, Williams, Parks, Jefferson, Erickson, Kirby, Norrell, Ott, Horne, George, Bannister, Bernstein, R.L. Brown, Clary, Funderburk, Gagnon, Gambrell, Hayes, Hodges, Long, V.S. Moss, Ridgeway, Weeks, Wells, Willis, Henegan and Whipper

S. Printed 4/22/15--H.

Read the first time April 16, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3997) to amend the Code of Laws of South Carolina, 1976, by adding Section 23‑3‑90, so as to direct the South Carolina law enforcement division (SLED), etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting clause and inserting:

/ SECTION 1. Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑90. (A) For purposes of this section, ‘body‑worn camera’ means an electronic device worn on a person’s body that records both audio and video data.

(B) The South Carolina Law Enforcement (SCLE) Training Council is directed to develop specific criteria and determine an appropriate method to implement the statewide use of body‑worn cameras by local and state law enforcement officers in this State including which law enforcement agencies and their respective officers should or should not be included in the use of body‑worn cameras. In developing this criteria, SCLE Training Council shall take into account factors involved in implementing the statewide use of body‑worn cameras including, but not limited to, maintenance, storage and retention, use, and accessibility, release, and privacy issues associated with the capturing of images, audio, and video data through the use of body‑worn cameras.

(C) SCLE Training Council shall conduct a pilot program in at least three cooperating counties and six municipalities in the State, with populations varying in size, in which body‑worn cameras will be utilized in order to develop the criteria and determine the appropriate method to implement their statewide use.

(D) Six months after the effective date of this section, SCLE Training Council shall make recommendations to the General Assembly regarding the need for amendments to statewide laws in order to implement such use.”

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

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑90, SO AS TO DIRECT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED) TO DEVELOP CRITERIA AND DETERMINE AN APPROPRIATE METHOD TO IMPLEMENT THE STATEWIDE USE OF BODY‑WORN CAMERAS BY LOCAL AND STATE LAW ENFORCEMENT OFFICERS, TO DIRECT SLED TO DESIGN AND OPERATE A PILOT PROJECT INCLUDING CERTAIN COUNTIES AND MUNICIPALITIES IN THE STATE, AND TO AUTHORIZE SLED TO DEVELOP AND PROPOSE REGULATIONS WHICH WOULD SET THE CRITERIA AND PROVIDE A METHOD FOR IMPLEMENTATION FOR THE STATEWIDE USE OF BODY‑WORN CAMERAS BY LOCAL AND STATE LAW ENFORCEMENT OFFICERS AFTER THE PILOT PROJECT IS COMPLETED.

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

SECTION 1. Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑90. (A) For purposes of this section, ‘body‑worn camera’ means an electronic device worn on a person’s body that records both audio and video data.

(B) The South Carolina Law Enforcement Division (SLED) is directed to develop specific criteria and determine an appropriate method to implement the statewide use of body‑worn cameras by local and state law enforcement officers in this State including which law enforcement agencies and their respective officers should or should not be included in the use of body‑worn cameras. In developing this criteria, SLED shall take into account factors involved in implementing the statewide use of body‑worn cameras including, but not limited to, maintenance, storage and retention, use, and accessibility, release, and privacy issues associated with the capturing of images, audio, and video data through the use of body‑worn cameras.

(C) SLED shall conduct a pilot program in at least three counties and six municipalities in the State, with populations varying in size, in which body‑worn cameras will be utilized in order to develop the criteria and determine the appropriate method to implement their statewide use pursuant to the provisions of this section and propose regulations as required in subsection (D). Law enforcement agencies selected by SLED to participate in the pilot program must fully cooperate with SLED in this effort.

(D) Six months after the effective date of this section, SLED shall promulgate regulations which shall set the specific criteria and provide a method to implement the statewide use of body‑worn cameras by local and state law enforcement officers in this State based on the results of the pilot program required in subsection (C).

(E) SLED is directed to be the coordinating law enforcement agency for the statewide use of body‑worn cameras and, in addition to the promulgation of regulations as required by the provisions of this section, shall make recommendations to the General Assembly regarding the need for amendments to statewide laws in order to implement such use.”

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

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