COMMITTEE AMENDMENT ADOPTED

February 18, 2016

**S. 649**

Introduced by Senators Malloy and Williams

S. Printed 2/18/16--S.

Read the first time April 14, 2015.

**A** **BILL**

TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING LAW ENFORCEMENT, TO PROVIDE THAT EACH LAW ENFORCEMENT AGENCY SHALL HAVE A WRITTEN POLICY REGARDING THE INVESTIGATION OF OFFICER‑INVOLVED DEATHS, TO PROVIDE FOR THE CONTENTS OF THE POLICY, TO PROVIDE FOR INVESTIGATIONS, TO PROVIDE FOR REPORTS, TO PROVIDE FOR THE RELEASE OF THE REPORT IF PROSECUTION IS NOT PURSUED, TO PROVIDE FOR NOTICE OF VICTIM’S RIGHTS, AND TO DEFINE NECESSARY TERMS.

Amend Title To Conform

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 23‑1‑250. (A) For purposes of this section:

(1) ‘Law enforcement agency’ means a state, county, municipal, or local law enforcement authority.

(2) ‘Law enforcement officer’ means an appointed officer or employee hired by and regularly on the payroll of the state or the state’s political subdivisions, who is granted statutory authority to enforce all or some of the criminal, traffic, and penal laws of the State and who possesses, with respect to those laws, the power to effect arrests for offenses committed or alleged to have been committed.

(3) ‘Officer-involved death’ means the death of a person that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of the officer’s law enforcement duties.

(4) ‘Victim’ means a person’s spouse, parent, child or lawful representative of a victim who is:

(a) deceased;

(b) a minor;

(c) incompetent; or

(d) physically or psychologically incapacitated.

(B)(1) A law enforcement agency shall have a written policy regarding the investigation of officer‑involved deaths. The policy must require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death;

(2) The policy may allow an internal investigation into the officer-involved death if the internal investigation does not interfere with the investigation conducted pursuant to subsection (B).

(C) The investigators conducting the investigation pursuant to subsection (B) shall, in an expeditious manner, provide a complete report to the solicitor of the county in which the officer-involved death occurred.

(D) If the solicitor determines that no basis exists to prosecute the law enforcement officer involved in the officer-involved death, the investigators conducting the investigation may release the report pursuant to the Freedom of Information Act.

(E) A victim of an officer‑involved death must be notified of the victim’s rights pursuant to Article 1, Section 24 of the South Carolina Constitution.

(F) When a motor vehicle or motorcycle of a law enforcement agency is involved in a traffic collision, Section 56‑5‑765 shall govern the investigation and disposition of the matter rather than this section.”

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

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