**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 4081**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Tallon, Hixon, Johnson, Pope, Hardee, Hyde, Bailey, Hewitt and R. Williams

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Introduced in the House on February 26, 2019

Currently residing in the House Committee on **Judiciary**

Summary: Criminal Justice Academy director

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/26/2019 House Introduced and read first time ([House Journal‑page 36](file:///h:\hj\20190226.docx))

2/26/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 36](file:///h:\hj\20190226.docx))

2/28/2019 House Member(s) request name added as sponsor: Pope, Hardee, Hyde, Bailey, Hewitt

4/2/2019 House Member(s) request name added as sponsor: R.Williams

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**VERSIONS OF THIS BILL**

[2/26/2019](file:///p:\pprever\2019-20\4081_20190226.docx)

**A** **BILL**

TO AMEND SECTION 23‑23‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMPLIANCE ORDERS ISSUED BY THE DIRECTOR OF THE CRIMINAL JUSTICE ACADEMY, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DIRECTOR TO BRING A CIVIL ACTION FOR INJUNCTIVE RELIEF, TO PROVIDE THAT AN ORDER ISSUED BY THE DIRECTOR MAY BE APPEALED TO THE LAW ENFORCEMENT TRAINING COUNCIL, AND PROVIDE THAT THE COUNCIL MAY PROMULGATE REGULATIONS RELATING TO THE IMPOSITION AND ENFORCEMENT OF CIVIL PENALTIES.

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

SECTION 1. Section 23‑23‑100 of the 1976 Code is amended to read:

“Section 23‑23‑100. (A) Whenever the director finds that ~~any~~ a public law enforcement agency is in violation of any provisions of this chapter, the director may issue an order requiring the public law enforcement agency to comply with the provision. ~~The director may bring a civil action for injunctive relief in the appropriate court or may bring a civil enforcement action. Violation of any court order issued pursuant to this section must be considered contempt of the issuing court and punishable as provided by law.~~ The director also may invoke the civil penalties as provided in subsection (B) for violation of the provisions of this chapter, including any order or regulation ~~hereunder~~. ~~Any~~ A public law enforcement agency against which a civil penalty is invoked by the director may appeal the decision to the ~~court of common pleas of the county where the public law enforcement agency is located~~ council.

(B) ~~Any~~ A public law enforcement agency which fails to comply with this chapter and regulations promulgated pursuant to this chapter or fails to comply with ~~any~~ an order issued by the director is liable for a civil penalty not to exceed one thousand five hundred dollars a violation. When the civil penalty authorized by this subsection is imposed upon a sheriff, the sheriff is responsible for payment of this civil penalty.

(C) The council is authorized to promulgate regulations regarding the imposition and enforcement of the civil penalties contained in this section.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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