**South Carolina General Assembly**

124th Session, 2021-2022

**S. 280**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Matthews

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Introduced in the Senate on January 12, 2021

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

Summary: Police misconduct investigations

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 247](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 247](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\280_20201209.docx)

**A** **BILL**

TO AMEND SECTION 23-23-150(K) OF THE 1976 CODE, RELATING TO EXTENSIONS FOR POLICE MISCONDUCT INVESTIGATIONS, TO PROVIDE THAT PARTIES MAY AGREE TO AN EXTENSION, TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION MAY GRANT AN EXTENSION, AND TO PROVIDE THAT AN EXTENSION MUST BE FOR A SPECIFIED TIME PERIOD; TO AMEND SECTION 23-23-150(L) OF THE 1976 CODE, RELATING TO REPORTING FINDINGS OF ALLEGATIONS OF EXCESSIVE FORCE TO THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, TO PROVIDE THAT A FINDING OF EXCESSIVE FORCE, OR OF PHYSICAL OR PSYCHOLOGICAL ABUSE, MUST BE REPORTED WITHIN TEN DAYS OF THE FINDING; AND TO AMEND SECTION 23-23-150 OF THE 1976 CODE, RELATING TO THE ADJUDICATION OF ALLEGATIONS OF POLICE MISCONDUCT, TO PROVIDE THAT THE FINAL DISPOSITION OF ALLEGATIONS OF MISCONDUCT MUST BE REPORTED TO THE GOVERNING BODY OF THE COUNTY OR MUNICIPALITY IN WHICH THE AGENCY EMPLOYING THE SUBJECT OF THE ALLEGATION IS LOCATED.

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

SECTION 1. Section 23-23-150(K) of the 1976 Code is amended to read:

“(K) For any allegation of misconduct of a law enforcement officer pursuant to this section, SLED, the appropriate investigating agency, or the internal affairs division of the agency must complete their investigation within ninety days from the date of the request for a hearing by the officer unless ~~they~~ the parties agree to an extension or the director of SLED grants an extension ~~seek leave from the hearing officer to extend~~ for a specified time period. If the parties agree to an extension, then the hearing officer may grant the extension for good cause shown and set the specified time period of the extension. The officer shall receive written notice of the outcome of the investigation.”

SECTION 2. Section 23-23-150(L) of the 1976 Code is amended to read:

“(L) In addition to the allegations of misconduct specified in this section, any finding by a law enforcement agency as to the use of excessive force or the physical or psychological abuse of members of the public or prisoners by a law enforcement officer must be reported to the academy by the appropriate law enforcement agency or department within ~~thirty~~ ten days of the finding, the information of which must be maintained by the academy for investigative and personnel hiring purposes. This information is not a public document and not subject to disclosure other than to a law enforcement or prosecution agency, or attorneys representing a law enforcement or prosecution agency, except by court order. This exemption does not preclude the disclosure of any information contained in these records from another source or by another provision of law.”

SECTION 3. Section 23-23-150 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) The final disposition of allegations of misconduct must be provided to the governing authority of the county or municipality, as appropriate, in which the law enforcement agency employing the law enforcement officer who was the subject of the allegation is located.”

SECTION 4. This act takes effect upon approval by the Governor.

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