CHAPTER 1

General Provisions

**SECTION 23‑1‑15.** Public parking lots within police jurisdiction.

 Any real property which is used as a parking lot and is open to use by the public for motor vehicle traffic shall be within the police jurisdiction with regard to the unlawful operation of motor vehicles in such parking lot.

 Such parking lots shall be posted with appropriate signs to inform the public that the area is subject to police jurisdiction with regard to unlawful operation of motor vehicles. The extension of police jurisdiction to such areas shall not be effective until the signs are posted.

 In any such area the law enforcement agency concerned shall have the authority to enforce all laws or ordinances relating to the unlawful operation of motor vehicles which such agency has with regard to public streets and highways immediately adjoining or connecting to the parking area.

HISTORY: 1976 Act No. 574, Section 1.

Library References

Automobiles 13.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Section 33.

Attorney General’s Opinions

Law enforcement officers may charge an individual with unlawfully parking in a clearly marked handicapped spot in a public or private parking lot regardless of whether the lot has a posting indicated it is subject to police jurisdiction pursuant to Section 23‑1‑15. S.C. Op.Atty.Gen. (June 18, 2013) 2013 WL 3243066.

Municipal police officers have authority to enforce fire lane requirements on private property regardless of whether the prOp.erty is posted. 1992 Op. Atty Gen No. 92‑45.

Compliance with Section 23‑1‑15 would not on its own authorize enforcement of other violations such as trespassing, parking after hours, and loitering. Whether such offenses or any others may be enforced depends on individual circumstances and particular violations alleged. 1990 Op. Atty Gen No. 90‑26.

Property used as private parking lot may be posted pursuant to Section 23‑1‑15 so as to make lot subject to police jurisdiction, and no other statutory requirements, such as those set forth in Section 56‑5‑6310, need be met to bring such area under police jurisdiction. Examination of facts is necessary to determine what portions of parking lots could be considered roadways or highways for enforcement purposes. 1990 Op. Atty Gen No. 90‑26.

Section 56‑5‑2510 dealing with improper parking outside of business or residential district is inapplicable to parking lot in shopping center. 1990 Op. Atty Gen No. 90‑26.

Speed limits or other traffic control devices posted by owners or tenants which are more restrictive than what may be imposed on public highways, would not be subject to enforcement by law enforcement officers. 1990 Op. Atty Gen No. 90‑26.

Breathalyzer test may be administered pursuant to Section 56‑5‑2950 to individual arrested for driving under influence while driving in parking lot which is posted as permitted by Section 23‑1‑15. 1985 Op. Atty Gen, No. 85‑45, p 140.

Local law enforcement officers are authorized to provide security and enforce certain traffic offenses on school property without such grounds being posted so as to bring them under jurisdiction of police. 1985 Op. Atty Gen, No. 85‑111, p 310.

NOTES OF DECISIONS

In general 1

1. In general

Arrest of defendant for traffic offenses predicated upon operation of vehicle on state highways could not be upheld on basis of this section placing public parking lots within police jurisdiction, where there was no evidence parking lot was open to public, or had ever been posted with appropriate signs indicating it was within police jurisdiction, or that arresting officers believed it was subject to this section. U.S. v. Sanders (C.A.4 (S.C.) 1992) 954 F.2d 227.

Section 23‑1‑15, which requires signs to be posted informing the public of police jurisdiction over a parking lot before the extension of police jurisdiction is effective, does not preclude a charge for leaving the scene of an accident in a parking lot in violation of Section 56‑5‑1240 in a non‑posted parking lot; the clear purpose of Section 23‑1‑15 was to expand the application of the Uniform Act Regulating Traffic on Highways to parking lots. Stone v. State (City of Orangeburg) (S.C. 1994) 313 S.C. 533, 443 S.E.2d 544.

**SECTION 23‑1‑20.** Employment of peace officers on contingent basis; penalties.

 It is unlawful for a peace officer to be employed within the State on a contingent basis upon which he receives any share of fines collected by him or through his efforts as compensation. A peace officer accepting employment on a contingent basis or receiving or accepting any part of the fines collected by him or through his efforts as compensation is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years.

HISTORY: 1962 Code Section 53‑2; 1952 Code Section 53‑2; 1948 (45) 1643; 1993 Act No. 184, Section 196.

Library References

Municipal Corporations 220.

Officers and Public Employees 93.

Westlaw Topic Nos. 268, 283.

C.J.S. Municipal Corporations Sections 623 to 631, 649 to 660.

C.J.S. Officers and Public Employees Sections 130, 270 to 321, 348, 352.

**SECTION 23‑1‑30.** Subsistence allowance for police officials and law‑enforcement officers.

 Of the amounts appropriated by acts of the General Assembly for police officials and all commissioned law‑enforcement officers, the sum of five dollars a day for each regular work day shall be designated as a statutory subsistence allowance.

HISTORY: 1962 Code Section 53‑2.1; 1955 (49) 667.

Library References

Municipal Corporations 220.

Officers and Public Employees 93.

Westlaw Topic Nos. 268, 283.

C.J.S. Municipal Corporations Sections 623 to 631, 649 to 660.

C.J.S. Officers and Public Employees Sections 130, 270 to 321, 348, 352.

Attorney General’s Opinions

The allowance or any portion thereof under this section for subsistence to certain police officers may be excluded or deducted from income provided the same is in fact expended for expenses that are otherwise deductible or excluded from gross income by Chapter 5 of Title 65 [Chapter 6 of Title 12 of the 1976 Code]. 1974‑75 Op. Atty Gen, No 3964, p 35.

Probation and Parole Agents, as law enforcement officers, are eligible to exclude $5.00 per duty day from their South Carolina Personal Income Tax return for subsistence allowance, pursuant to Section 23‑1‑30 and Section 23‑1‑40 of the Code. 1986 Op. Atty Gen, No. 86‑21, p 78.

Security officers appointed by authority of Section 4‑9‑145 are eligible to exclude $5.00 per duty day from their South Carolina personal income tax return for subsistence allowance pursuant to Sections 23‑1‑30 and 23‑1‑400. 1991 Op Atty Gen, No. 91‑22 p 71.

NOTES OF DECISIONS

In general 1

1. In general

Amounts paid to the plaintiff and received by him as a statutory subsistence allowance as a game warden of the State of South Carolina during the period from May 25, 1955, to December 31, 1955 and during the calendar years 1956 and 1957, while Section 120 of the Internal Revenue Code and this section were in full force and effect, are not taxable as part of his gross income. Wyndham v. U.S., 1961, 197 F.Supp. 856.

**SECTION 23‑1‑40.** Subsistence allowance for municipal and county law‑enforcement officers.

 Of the amounts appropriated as salaries for municipal law‑enforcement officers and county law‑enforcement officers the sum of five dollars per day for each such officer is hereby designated as subsistence for each day of active duty.

HISTORY: 1962 Code Section 53‑2.2; 1958 (50) 1929.

Library References

Counties 68.

Municipal Corporations 220.

Westlaw Topic Nos. 104, 268.

C.J.S. Counties Sections 107 to 118.

C.J.S. Municipal Corporations Sections 623 to 631, 649 to 660.

Attorney General’s Opinions

The allowance or any portion thereof provided in this section for subsistence to certain police officers may be excluded or deducted from income provided the same is in fact expended for expenses that are otherwise deductible or excluded from gross income by Chapter 5 of Title 65 [Chapter 6 of Title 12 of the 1976 Code]. 1974‑75 Op. Atty Gen, No 3964, p 35.

Probation and Parole Agents, as law enforcement officers, are eligible to exclude $5.00 per duty day from their South Carolina Personal Income Tax return for subsistence allowance, pursuant to Section 23‑1‑30 and Section 23‑1‑40 of the Code. 1986 Op. Atty Gen, No. 86‑21, p 78.

**SECTION 23‑1‑50.** Subsistence allowance for law‑enforcement officers performing duties away from home area.

 Any law‑enforcement officer ordered to perform duties which carry him away from the area in which he lives and performs his ordinary duties shall be allowed reimbursement for actual subsistence expenses incurred and paid not to exceed fifteen dollars per day while traveling in the State and eighteen dollars and fifty cents per day while traveling outside the State.

HISTORY: 1962 Code Section 53‑2.5; 1969 (56) 698.

Library References

Counties 68.

Municipal Corporations 220.

Officers and Public Employees 93.

Westlaw Topic Nos. 104, 268, 283.

C.J.S. Counties Sections 107 to 118.

C.J.S. Municipal Corporations Sections 623 to 631, 649 to 660.

C.J.S. Officers and Public Employees Sections 130, 270 to 321, 348, 352.

**SECTION 23‑1‑60.** Appointment, compensation, removal, and terms of special deputies, constables, security guards and detectives; workers’ compensation.

 (A) The Governor may, at his discretion, appoint additional deputies, constables, security guards, and detectives as he deems necessary to assist in the detection of crime and the enforcement of the criminal laws of this State. The qualifications, salaries, and expenses of these deputies, constables, security guards, and detectives appointed are to be determined by and paid as provided for by law. Appointments by the Governor may be made pursuant to this section without compensation from the State. Appointments of deputies, constables, security guards, and detectives made without compensation from the State may be revoked by the Governor at his pleasure.

 (B) All appointments of deputies, constables, security guards, and detectives appointed pursuant to this section without compensation expire sixty days after the expiration of the term of the Governor making the appointment. Each Governor shall reappoint all deputies, constables, security guards, and detectives who are regularly salaried as provided for by law within sixty days after taking office unless the deputy, constable, security guard, or detective is discharged with cause as provided for by law.

 (C) All persons appointed pursuant to the provisions of this section are required to furnish evidence that they are knowledgeable as to the duties and responsibilities of a law enforcement officer or are required to undergo training in this field as may be prescribed by the Chief of the South Carolina Law Enforcement Division.

 (D) A voluntary deputy, constable, security guard, or detective appointed pursuant to this section, must be included under the provisions of the workers’ compensation laws only while performing duties in connection with his appointment and as authorized by the State Law Enforcement Division. The workers’ compensation premiums for these constables must be paid from the funds appropriated for this purpose upon warrant of the Chief of the State Law Enforcement Division.

HISTORY: 1962 Code Section 53‑3; 1952 Code Section 53‑3; 1942 Code Section 3096; 1932 Code Section 3096; 1923 (33) 132; 1974 (58) 2639; 2008 Act No. 353, Section 2, Pt 32B.1, eff July 1, 2008.

Effect of Amendment

The 2008 amendment designated the first, second and third sentences as subsection (A), the fourth and fifth sentences as subsection (B), the sixth sentence as subsection (C) and added subsection (D) relating to workers’ compensation.

CROSS REFERENCES

Appointment of the chief and other personnel of the South Carolina Law Enforcement Division, see Section 23‑3‑10.

Commissioning campus police officers as constables, see Section 59‑116‑20.

Deductions from individual taxable income, see Section 12‑6‑1140.

Initial and renewal application fees for constables appointed under this section, see Section 23‑1‑65.

Inspectors of law enforcement department of public service commission, see Sections 58‑3‑310 et seq.

Library References

Officers and Public Employees 8, 60 to 71.5.

Sheriffs and Constables 9, 13.

Westlaw Topic Nos. 283, 353.

C.J.S. Officers and Public Employees Sections 47, 71 to 72, 119, 121 to 125, 127, 130 to 143, 148, 150 to 180, 212 to 223, 339.

C.J.S. Sheriffs and Constables Sections 21, 28 to 30.

Attorney General’s Opinions

South Carolina Law Enforcement Division’s regulatory authority over state constables would certainly include a requirement that a Group III constable perform 120 hours of annual voluntary activity to maintain his/her commission. S.C. Op.Atty.Gen. (Jan. 6, 2012) 2012 WL 440545.

Simultaneously serving as a State Constable and as a bail bondsman would not contravene the dual office holding prohibitions of the State Constitution. However, an individual appointed pursuant to Section 23‑1‑60 of the Code as a State Constable would be prohibited by Section 38‑63‑200 from acting as a surety on a bail bond in this State. 1986 Op. Atty Gen, No. 86‑18, p 71.

Where Governor makes appointments of constables, such appointments continue for the term to which the Governor was elected and do not expire upon resignation of appointing Governor. 1964‑65 Op. Atty Gen, No. 1851, p 108.

**SECTION 23‑1‑65.** Initial and renewal application fees for constables appointed under Section 23‑1‑60.

 (A) When making application for appointment, a nonrefundable fee of fifty dollars is required of all state constables appointed pursuant to the provisions of Section 23‑1‑60. A fee of fifty dollars must be paid with each renewal application. No fees are required of employees of the State or any political subdivision appointed in the line of duty, and no fees are required on initial or renewal applications of law enforcement officers who have retired honorably from service as a law enforcement officer. “Honorably” means that the officer was not under investigation or subject to any disciplinary proceedings at the time of retirement.

 (B) The fee must be paid to the South Carolina Law Enforcement Division. The division shall remit quarterly these fees to the State Treasurer to be credited to the general fund of the State.

HISTORY: 1982 Act No. 466, Part II, Section 6; 1982; 1983 Act No. 4, Section 1; 1990 Act No. 612, Section 25; 1992 Act No. 298, Section 1.

Library References

Sheriffs and Constables 9.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Section 21.

**SECTION 23‑1‑80.** Quarterly reports of peace officers without pay.

 Every constable or peace officer appointed and commissioned by the Governor to serve as such without pay shall, every three months during their respective terms of service, file with the Governor a complete report of his work, acts and doings as such officer.

HISTORY: 1962 Code Section 53‑6; 1952 Code Section 53‑6; 1942 Code Section 3064; 1932 Code Section 3064; 1931 (37) 330; 1940 (41) 1744.

CROSS REFERENCES

Exemption of campus police officers from reporting requirements of this section, see Section 59‑116‑70.

Library References

Sheriffs and Constables 77.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Sections 52 to 54.

**SECTION 23‑1‑90.** Reports of arrests in counties containing cities or towns of over 5,000.

 Each rural policeman, deputy sheriff, constable or other peace officer within any county containing a city or town of five thousand inhabitants or more in this State shall make and file with the county supervisor each month a verified report of all arrests made by him, the name of the party arrested, together with the offense charged, and the name of the magistrate to whom the case was referred for trial or preliminary hearing. The county supervisor shall not pay any salary to any rural policeman, deputy sheriff, constable or other peace officer until such officer has made and filed the verified report herein required. And further, in default thereof, such rural policeman, deputy sheriff, constable or other peace officer violating the provisions of this section shall, on conviction, be liable to a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding two months, at the discretion of the court.

HISTORY: 1962 Code Section 53‑7; 1952 Code Section 53‑7; 1942 Code Section 3790; 1932 Code Sections 3790, 3791; Civ. C. ‘22 Sections 2096, 2097; 1917 (30) 111; 1927 (35) 286.

**SECTION 23‑1‑100.** Purchase of bloodhounds or other dogs by county.

 The governing bodies of the several counties in this State, when in their judgment it is necessary, shall require the sheriff to purchase a pair of bloodhounds or other serviceable dogs to be kept at the courthouse and used as he may deem expedient for the tracking and arrest of escaped convicts and other fugitive lawbreakers. The governing body of each county may appropriate the sum of one hundred dollars, if so much be necessary, for the purchase of such dogs.

HISTORY: 1962 Code Section 53‑9; 1952 Code Section 53‑9; 1942 Code Section 1958; 1932 Code Section 1958; Cr. C. ‘22 Section 940; Cr. C. ‘12 Section 945; Cr. C. ‘02 Section 659; 1897 (22) 427.

NOTES OF DECISIONS

In general 1

1. In general

In view of this section, providing for the use of bloodhounds for tracking escaped convicts and fugitives from justice, the conduct or action of dogs placed on the supposed track of the offender is admissible as a circumstance to be weighed with other circumstances. State v. Brown (S.C. 1916) 103 S.C. 437, 88 S.E. 21. Criminal Law 386

**SECTION 23‑1‑140.** Rural policemen shall not collect fees in certain cases.

 It shall be unlawful for any rural policeman in this State to accept or receive any fee or reward for making any collection of any debt, foreclosing any chattel mortgage, bill of sale or other lien or compromising criminal cases. Any rural policeman within this State who shall violate the provisions of this section shall be subject to a fine of not less than twenty‑five dollars nor more than one hundred dollars or imprisonment for a period of not less than twenty days nor more than thirty days and shall have his commission revoked by the officer issuing it. But nothing herein shall prohibit any rural policeman from collecting delinquent taxes.

HISTORY: 1962 Code Section 53‑351; 1952 Code Section 53‑351; 1942 Code Section 1581; 1932 Code Section 1581; Cr. C. ‘22 Section 534; 1916 (29) 656.

**SECTION 23‑1‑145.** Employees of county and municipal correction facilities to have status of peace officers.

 Employees of any county or municipal jail, prison, work camp or overnight lockup facility, while performing their officially assigned duties relating to the custody, control, transportation or recapture of any inmate or prisoner in this State, shall have the status of peace officers anywhere in the State in any matter relating to the custody, control, transportation or recapture of such inmate or prisoner. Provided, that for the purposes of this section no trustee shall be considered an employee.

HISTORY: 1980 Act No. 310, Section 1.

CROSS REFERENCES

Jailers, see Sections 24‑5‑10, 24‑5‑20.

Library References

Prisons 5.

Westlaw Topic No. 310.

C.J.S. Prisons and Rights of Prisoners Sections 14 to 20, 124 to 129.

Attorney General’s Opinions

There appears to be no authority for Richland County to commission correctional officers. The determination as to whether or not the Director and Assistant Director of the Richland County Detention Center are considered correctional officers should be made by the county officials. 1987 Op. Atty Gen, No. 87‑54, p 138.

Jail employees, as peace officers, have the authority to make arrests where there is adequate probable cause to believe a crime has been committed and where such probable cause is within the direct knowledge of such employee. 1986 Op. Atty Gen, No. 86‑38, p 119.

In the absence of a specific state statute providing otherwise, the responsibility for the transportation of inmates from a county correctional facility operated by county council to the Department of Mental Health rests solely with the lawful custodian of the prisoner. 1986 Op. Atty Gen, No. 86‑106, p 323.

Home Detention Act is applicable to local governments in manner authorized by Sections 24‑13‑1510 et seq. 1993 Op. Atty Gen No. 93‑27.

Section 23‑1‑145 grants jail employees the law enforcement authority of peace officers while performing their official duties relating to the custody or control of inmates. Included in this authority would be the power to serve warrants on inmates of a facility for a crime not committed in the facility. 1994 Op. Atty Gen, No. 94‑61, p. 136.

**SECTION 23‑1‑150.** Residency requirements for county law enforcement officers.

 Notwithstanding any other provision of law in effect prior to February 13, 1976, any state law or local ordinance which requires an applicant for employment as a county law enforcement officer to be a resident of the county in which he seeks employment prior to time of employment shall on such date be void and of no effect and all such applicants shall be eligible for employment if otherwise qualified regardless of the county of their prior residence.

HISTORY: 1976 Act No. 468, Section 1.

Library References

Counties 64.

Westlaw Topic No. 104.

C.J.S. Counties Section 99.

**SECTION 23‑1‑170.** Use of out‑of‑state license plates for certain purposes.

 Notwithstanding any other provision of law, a law enforcement agency may, for the purpose of conducting undercover narcotic or vice investigations or surveillance operations, temporarily equip vehicles registered and licensed in this State with out‑of‑state license plates.

HISTORY: 1979 Act No. 158, Section 1.

Library References

Criminal Law 36.6.

Westlaw Topic No. 110.

C.J.S. Criminal Law Sections 55, 57, 92.

**SECTION 23‑1‑180.** Auction of beer or other malt beverage products seized for violation of law; destruction or disposal of seized products.

 No law enforcement agency of this State or any political subdivision thereof shall sell at auction any beer or other malt beverage products seized by it for a violation of law unless such products at the time of the auction meet the quality control standards of the manufacturer regarding freshness and fitness for consumption.

 If such products do not meet these standards at the time of the scheduled auction, the products shall thereafter be destroyed or disposed of by the law enforcement agency concerned.

HISTORY: 1982 Act No. 409, Section 1.

Library References

Intoxicating Liquors 255.

Westlaw Topic No. 223.

C.J.S. Intoxicating Liquors Sections 572, 593, 595 to 597.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Auctions and Auctioneers Section 23, Statutes Governing Auctions of Particular Properties.

**SECTION 23‑1‑210.** Repealed.

HISTORY: Former Section, titled Temporary transfer or assignment of law enforcement officer; written agreement; compensation, had the following history: 1981 Act No. 109, Section 1; 2007 Act No. 3, Section 1, eff March 28, 2007. Repealed by 2016 Act No. 222, Section 2, eff June 3, 2016.

**SECTION 23‑1‑212.** Enforcement of state criminal laws by federal law enforcement officers.

 (A) For purposes of this section, “federal law enforcement officer” means the following persons who are employed as full‑time law enforcement officers by the federal government and who are authorized to carry firearms while performing their duties:

 (1) Federal Bureau of Investigation special agents;

 (2) Bureau of Alcohol, Tobacco and Firearms special agents;

 (3) Drug Enforcement Administration special agents;

 (4) United States Secret Service special agents;

 (5) United States Customs Service officers;

 (6) United States Postal Service inspectors;

 (7) Internal Revenue Service special agents;

 (8) United States Marshal’s Service marshals and deputy marshals;

 (9) United States Department of Agriculture Forest Service law enforcement officers and special agents;

 (10) United States Department of Interior Fish and Wildlife special agents;

 (11) United States National Marine Fisheries special agents;

 (12) National Park Service Rangers.

 (B) A federal law enforcement officer is authorized to enforce criminal laws within the State when:

 (1) the federal law enforcement officer is asked by the head of a state or local law enforcement agency or his designee to provide the agency temporary assistance and the request is within the scope of the state or local law enforcement agency’s subject matter and territorial jurisdiction;

 (2) the federal law enforcement officer is asked by a state or local law enforcement officer to provide him temporary assistance when the state or local law enforcement officer is acting within the scope of his subject matter and territorial jurisdiction; or

 (3) a felony or misdemeanor is committed in the federal law enforcement officer’s presence or under circumstances indicating a crime has been freshly committed.

 (C) A federal law enforcement officer acting pursuant to this section:

 (1) has the same powers as a South Carolina law enforcement officer;

 (2) is not an officer, employee, or agent of a state or local law enforcement agency;

 (3) cannot initiate or conduct an independent investigation into a violation of South Carolina law; and

 (4) is subject to the Federal Tort Claims Act.

HISTORY: 1996 Act 364, Section 1; 2003 Act No. 35, Section 1; 2009 Act No. 43, Section 1, eff June 2, 2009.

Effect of Amendment

The 2009 amendment added subparagraph (A)(12) relating to National Park Service Rangers.

Attorney General’s Opinions

Federal law enforcement officers, such as Rangers, while possessing limited State law enforcement authority under Section 23‑1‑212, would otherwise not be considered “law enforcement officers” with authority to issue Uniform Traffic Tickets on federal property pursuant to Section 56‑7‑10. S.C. Op.Atty.Gen. (April 18, 2013) 2013 WL 1803940.

**SECTION 23‑1‑215.** Repealed.

HISTORY: Former Section, titled Agreements between multiple law enforcement jurisdictions for purpose of criminal investigation; jurisdiction of law enforcement officers, had the following history: 1987 Act No. 107, Section 1; 2007 Act No. 3, Section 2, eff March 28, 2007. Repealed by 2016 Act No. 222, Section 2, eff June 3, 2016.

**SECTION 23‑1‑225.** Retired law enforcement officers to retain status and weapons.

 Upon retirement, state law enforcement officers may retain their commissions in retired status with all rights and privileges, including the right to retain their service weapons issued while serving in active duty status.

HISTORY: 1999 Act No. 100, Part II, Section 55.

**SECTION 23‑1‑230.** First Responders Advisory Committee; membership; term; authority and responsibilities.

 (A) There is hereby created the First Responders Advisory Committee which shall consist of:

 (1) the following eleven members, or their designees:

 (a) the Chairman of the Governor’s Security Council;

 (b) the Director of the State Law Enforcement Division;

 (c) the Director of the Department of Public Safety;

 (d) the Adjutant General;

 (e) the Director of the Emergency Management Division;

 (f) the Director of the Emergency Medical Services Division of the Department of Health and Environmental Control;

 (g) the State Fire Marshal;

 (h) the President Pro Tempore of the Senate;

 (i) the Speaker of the House of Representatives;

 (j) the State Chief Information Officer; and

 (k) the Chairman of the Commercial Mobile Radio Services Emergency Telephone Services Advisory Committee; and

 (2) the following nine members who represent the following associations:

 (a) the South Carolina Sheriffs’ Association;

 (b) the South Carolina Police Chiefs Association;

 (c) the South Carolina Chapter of the National Emergency Number Association;

 (d) the Association of Public Communications Officials;

 (e) the South Carolina Emergency Medical Services Association;

 (f) the Emergency Management Association;

 (g) the South Carolina Fireman’s Association;

 (h) the South Carolina Fire Chiefs’ Association; and

 (i) the Palmetto 800 Advisory Committee.

 (B) Expense reimbursement or per diem payment shall not be paid to members of the committee or its staff.

 (C) All committee members shall serve until the end of the 2003 session of the South Carolina General Assembly.

 (D) The Governor shall fill any vacancy on the Advisory Committee. An association to which a vacating member belonged may make recommendations to the Governor to fill the vacancy.

 (E) A committee member who terminates his holding of the office or employment that qualified him for appointment shall cease immediately to be a member of the committee.

 (F) The committee shall establish rules and procedures with respect to:

 (1) the selection of its officers;

 (2) the selection of meeting sites; and

 (3) conducting its meetings.

 (G) The authority and responsibilities of the committee are to research, study, analyze, determine, and report to the General Assembly by January 1, 2003, and thereafter to the President Pro Tempore of the Senate and the Speaker of the House concerning the needs of the first responders, including personnel involved with fire, law enforcement, emergency medical, emergency planning and coordinating, and 911 and other emergency communications. The issues to be studied with regard to first responders include, but are not limited to:

 (1) performance of their duties, rendering of their services to the public in general, and to the individuals involved in an emergency, including the other first responders involved;

 (2) preparing for the performance of those duties, including equipping, training, planning, and coordinating;

 (3) funding their operations;

 (4) preserving and enhancing their personal fitness, well‑being, morale, and welfare;

 (5) the appropriate role the State should play in continuing to assess and address the identified needs, including whether, and in what form, a new or existing state agency could and should be authorized and funded to assist in that role; and

 (6) the consideration of legislation to address the identified needs and providing the General Assembly with draft legislation with regard to these issues.

 (H) The First Responders Advisory Committee shall receive clerical and related assistance from the staff of the South Carolina Law Enforcement Division, the Department of Public Safety, and the Office of Information Resources.

HISTORY: 2002 Act No. 339, Section 41.

**SECTION 23‑1‑240.** Body‑worn cameras; definition; guidelines; policies and procedures; fund; data release.

 (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) State and local law enforcement agencies, under the direction of the Law Enforcement Training Council, shall implement the use of body‑worn cameras pursuant to guidelines established by the Law Enforcement Training Council.

 (C) Within one hundred eighty days after the effective date of this section, the Law Enforcement Training Council shall conduct a thorough study of the use, implementation procedures, costs, and other related aspects associated with body‑worn cameras in jurisdictions with body‑worn cameras currently in use or which begin their use during this period. The Law Enforcement Training Council shall develop guidelines for the use of body‑worn cameras by state and local law enforcement agencies within one hundred eighty days of the effective date of this act. The guidelines must include, but are not limited to, specifying which law enforcement officers must wear body‑worn cameras, when body‑worn cameras must be worn and activated, restrictions on the use of body‑worn cameras, the process to obtain consent of victims and witnesses before using body‑worn cameras during an interview, the retention and release of data recorded by body‑worn cameras, and access to the data recorded by body‑worn cameras pursuant to subsection (G). The Law Enforcement Training Council shall provide the guidelines to state and local law enforcement agencies. The General Assembly may terminate all or part of the guidelines by resolution.

 (D) State and local law enforcement agencies shall develop policies and procedures for the use of body‑worn cameras pursuant to the guidelines established by the Law Enforcement Training Council. The agencies shall submit the policies and procedures to the Law Enforcement Training Council within two hundred seventy days of the effective date of this act. The Law Enforcement Training Council shall review and approve or disapprove of the policies and procedures. If the Law Enforcement Training Council disapproves of the policies and procedures, the law enforcement agency shall modify and resubmit the policies and procedures. The Law Enforcement Training Council, by three hundred sixty days from the effective date of this section, shall submit a report to the General Assembly which must include recommendations for statutory provisions necessary to ensure the provisions of this section are appropriately and efficiently managed and carried out and the fiscal impact associated with the use of body‑worn cameras as required by this section, updated continuously as necessary.

 (E)(1) A “Body‑Worn Cameras Fund” is established within the Department of Public Safety for the purpose of assisting state and local law enforcement agencies, the Attorney General’s office, solicitors’ offices, and public defenders’ offices in implementing the provisions of this section, including, but not limited to, the initial purchase, maintenance, and replacement of body‑worn cameras and ongoing costs related to the maintenance and storage of data recorded by body‑worn cameras. The Public Safety Coordinating Council shall oversee the fund, and shall, within one hundred eighty days of the effective date of this act, establish a process for the application for and disbursement of monies to state and local law enforcement agencies, the Attorney General’s office, solicitors’ offices, and public defenders’ offices. The Public Safety Coordinating Council shall disburse the funds in a fair and equitable manner, taking into consideration priorities in funding.

 (2) Upon approval of a state or local law enforcement agency’s policies and procedures by the Law Enforcement Training Council, the agency may apply to the Public Safety Coordinating Council for funding to implement the agency’s use of body‑worn cameras pursuant to this section, including, but not limited to, the initial purchase, maintenance, and replacement of body‑worn cameras and ongoing costs related to the maintenance and storage of data recorded by body‑worn cameras. A state or local law enforcement agency is not required to implement the use of body‑worn cameras pursuant to this section until the agency has received full funding.

 (F) Nothing in this section prohibits a state or local law enforcement agency’s use of body‑worn cameras pursuant to the agency’s existing policies and procedures and funding while the agency is awaiting receipt of the Law Enforcement Training Council’s guidelines, approval of the agency’s policies and procedures by the Law Enforcement Training Council, and funding from the Public Safety Coordinating Council. Such an agency is eligible to apply to the Public Safety Coordinating Council for reimbursement, including, but not limited to, the initial purchase, maintenance, and replacement of body‑worn cameras and ongoing costs related to maintenance and storage of data recorded by body‑worn cameras.

 (G)(1) Data recorded by a body‑worn camera is not a public record subject to disclosure under the Freedom of Information Act.

 (2) The State Law Enforcement Division, the Attorney General, and a circuit solicitor may request and must receive data recorded by a body‑worn camera for any legitimate criminal justice purpose.

 (3) A law enforcement agency, the State Law Enforcement Division, the Attorney General, or a circuit solicitor may release data recorded by a body‑worn camera in its discretion.

 (4) A law enforcement agency may request and must receive data recorded by a body‑worn camera if the recording is relevant to an internal investigation regarding misconduct or disciplinary action of a law enforcement officer.

 (5) In addition to the persons who may request and must receive data recorded by a body‑worn camera provided in item (2), the following are also entitled to request and receive such data pursuant to the South Carolina Rules of Criminal Procedure, the South Carolina Rules of Civil Procedure, or a court order:

 (a) a person who is the subject of the recording;

 (b) a criminal defendant if the recording is relevant to a pending criminal action;

 (c) a civil litigant if the recording is relevant to a pending civil action;

 (d) a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related;

 (e) a parent or legal guardian of a minor or incapacitated person described in subitem (a) or (b); and

 (f) an attorney for a person described in subitems (a) through (e).

HISTORY: 2015 Act No. 71 (S.47), Section 1, eff June 10, 2015.

CROSS REFERENCES

Freedom of Information Act, see Section 30‑4‑10 et seq.

**SECTION 23‑1‑245.** Quotas prohibited; definitions.

 (A) A law enforcement agency, department, or division may not require a law enforcement officer employed by the agency, department, or division to issue a specific amount or meet a quota for the number of citations he issues during a designated period of time.

 (B) Nothing in this section shall prohibit a law enforcement agency, department, or division from evaluating an officer’s performance based on the officer’s points of contact.

 (C) An employee of a law enforcement agency, department, or division who files a report with an appropriate authority alleging a violation of the provisions contained in this section is protected by the provisions contained in Chapter 27, Title 8.

 (D) As contained in this section:

 (1) “law enforcement agency, department, or division” includes, but is not limited to, municipal police departments, sheriff departments, the Highway Patrol, SLED, and other agencies that enforce state and local laws;

 (2) “quota” means a fixed or predetermined amount;

 (3) “points of contact” means a law enforcement officer’s interaction with citizens and businesses within their jurisdictions and the law enforcement officer’s involvement in community‑oriented initiatives.

HISTORY: 2016 Act No. 264 (H.4387), Section 1, eff June 9, 2016.