

Session 110 - (1993-1994)

H 3430 General Bill, By J.P. Harrelson

A Bill to enact the South Carolina Law Enforcement Commission Act of 1993 by adding Chapter 49 to Title 23 of the 1976 Code, so as to create the South Carolina Law Enforcement Commission, provide for its membership, duties and powers and responsibilities; by amending Section 23-3-10, and Articles 3 and 5, Chapter 3 of Title 23, relating to the State Law Enforcement Division, Chapter 5, Title 23, relating to the State Highway Patrol; Sections 57-3-10, 57-3-30, and 57-3-610, and adding Section 57-3-615 relating to various Department of Highways and Public Transportation provisions; Article 3, Chapter 3 of Title 58, relating to the Law Enforcement Department of the Public Service Commission; Sections 61-1-60, 61-3-220, 61-5-100, 61-5-140, 61-9-1050, 61-13-410, 61-13-810, and 61-13-836, relating to the Alcoholic Beverage Control Commission and the enforcement of certain alcoholic beverage laws, and so as to provide that the South Carolina Law Enforcement Commission is responsible for the enforcement of all criminal laws, including traffic offenses, misdemeanors, and felonies, and civil laws, the violation of which may result in a fine or other penalty being assessed against the violator, which laws are now enforced by personnel employed by and under the jurisdiction of the Alcoholic Beverage Control Commission, the Department of Highways and Public Transportation, the Wildlife and Marine Resources Commission, South Carolina Law Enforcement Commission, and the Law Enforcement Department of the Public Service Commission; to further provide for the manner in which the Commission must be structured and for the personnel thereof, to provide for the maintenance and service of vehicles of the Division by the Department of Highways and Public Transportation, to provide for certain transitional provisions including the transfer of personnel, appropriations, and property; to abolish the South Carolina Alcoholic Beverage Control Commission and transfer its regulatory powers, duties, and responsibilities to the South Carolina Tax Commission and its regulation and law enforcement and inspection responsibilities to the South Carolina Law Enforcement Commission; to amend Sections 61-1-10 and 61-1-20, Code of Laws of South Carolina, 1976, relating to the Alcoholic Beverage Control Commission, so as to abolish the Commission and provide for the appointment of an Alcoholic Beverage Control Hearing Officer within the Tax Commission to be appointed by the Governor with the advice and consent of the Senate, to provide for the term, duties, powers, and qualifications of the Officer; to amend Sections 61-1-60, 61-1-65, 61-1-70, 61-1-80, 61-1-90, 61-1-95, and Section 61-3-20, relating to the enforcement of regulations governing alcoholic beverages and beer and wine, prohibitions as to certain activities or interests by members or employees of the Alcoholic Beverage Control Commission; authorization to the Commission to issue regulations, authority of the Commission to impose penalties, appeals from decisions of the Commission, condition under which license issued by the Commission must be surrendered, transferability, suspension, or revocation of these licenses and definitions used in Chapter 3 of Title 61 (The Alcoholic Beverage Control Act), so as to delete references to the Alcoholic Beverage Control Commission and transfer its duties, powers, and responsibilities to the Tax Commission and the South Carolina Law Enforcement Commission; provide that the regulations promulgated by the Alcoholic Beverage Control Commission remain in force until modified or rescinded by the Tax Commission; and to repeal Sections 23-3-20 through 23-3-60, 50-3-110, 50-3-120, 61-1-30, 61-1-40, and 61-1-50, relating to the South Carolina Law Enforcement Division, supervision of the warden force by the South Carolina Wildlife and Marine Resources Commission, designation of conservation officers, prohibited activities of the members of the Alcoholic Beverage Control Commission, transfer of powers and duties from the Tax Commission to the Alcoholic Beverage Control Commission, and the authority of the Alcoholic Beverage Control Commission to appoint an attorney.

02/09/93 House Introduced and read first time HJ-9

02/09/93 House Referred to Committee on Judiciary HJ-11