Session 124 - (2021-2022)

H*3050 (Rat #0246, Act #0218 of 2022) General Bill, By D.C. Moss, McGarry, Wooten, Hixon, Erickson and Bradley

Summary: Law enforcement officers, certification

AN ACT TO AMEND SECTION 23-23-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CERTIFICATION OF A LAW ENFORCEMENT OFFICER EMPLOYED OR APPOINTED BY A PUBLIC LAW ENFORCEMENT AGENCY, SO AS TO PROVIDE THIS PROVISION APPLIES TO LAW ENFORCEMENT OFFICERS EMPLOYED OR APPOINTED AFTER JULY 1, 2022, TO PROVIDE NONCERTIFIED LAW ENFORCEMENT OFFICERS SHALL ONLY PERFORM DUTIES AS LAW ENFORCEMENT OFFICERS WHILE ACCOMPANIED BY CERTIFIED LAW ENFORCEMENT OFFICERS, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 23-23-150, RELATING TO THE ADJUDICATION OF ALLEGATIONS OF MISCONDUCT BY LAW ENFORCEMENT OFFICERS, SO AS TO DEFINE THE DEFINITION OF THE TERM "MISCONDUCT", TO REVISE THE CRITERIA A SHERIFF OR CHIEF EXECUTIVE OFFICER OF A LAW ENFORCEMENT AGENCY OR DEPARTMENT MUST USE WHEN FILING A REPORT OF MISCONDUCT AGAINST A LAW ENFORCEMENT OFFICER, TO PROVIDE THE PROCEDURE FOR PROSECUTING INCIDENCES OF MISCONDUCT, AND TO PROVIDE FOR THE IMPOSITION OF CIVIL FINES AGAINST AGENCIES THAT FAIL TO COMPLY WITH THIS SECTION; BY ADDING SECTION 23-1-250 SO AS TO PROVIDE FOR THE LAWFUL USE OF CHOKEHOLDS OR CAROTID HOLDS, TO PROVIDE WILFUL USE OF EXCESSIVE FORCE MAY BE CONSIDERED MISCONDUCT BY A LAW ENFORCEMENT OFFICER AND SUBJECT TO DISCIPLINARY ACTION, AND TO PROVIDE FOR THE DEVELOPMENT OF CURRICULA AND STANDARDS TO ADDRESS JUSTIFIABLE USE OF CHOKEHOLDS AND CAROTID HOLDS; BY ADDING SECTION 23-23-85 SO AS TO PROVIDE FOR ESTABLISHMENT OF MINIMUM STANDARDS REQUIRED OF LAW ENFORCEMENT AGENCIES BY THE LAW ENFORCEMENT TRAINING COUNCIL, AND PROVIDE THE COUNCIL WITH THE AUTHORITY TO TAKE PUNITIVE ACTION AGAINST LAW ENFORCEMENT AGENCIES THAT FAIL TO COMPLY WITH STANDARDS ISSUED PURSUANT TO THIS SECTION; BY ADDING SECTION 23-23-160 SO AS TO ESTABLISH A COMPLIANCE DIVISION WITHIN THE LAW ENFORCEMENT TRAINING COUNCIL AND PROVIDE ITS RESPONSIBILITIES; TO AMEND SECTION 23-23-100, RELATING TO COMPLIANCE WITH PROVISIONS ENFORCED BY THE LAW ENFORCEMENT TRAINING COUNCIL, SO AS TO REVISE THIS PROVISION; TO AMEND SECTION 23-23-60, RELATING TO THE ISSUANCE OF CERTIFICATES OF COMPLIANCE BY THE LAW ENFORCEMENT TRAINING COUNCIL, SO AS TO ADD ADDITIONAL EVIDENCES A LAW ENFORCEMENT AGENCY MUST SUBMIT TO THE COUNCIL ABOUT A CANDIDATE BEING CONSIDERED FOR CERTIFICATION; AND TO AMEND SECTION 16-23-20, AS AMENDED, RELATING TO THE UNLAWFUL CARRYING OF HANDGUNS, SO AS TO ALLOW RETIRED COMMISSIONED LAW ENFORCEMENT OFFICERS TO CARRY THEM ABOUT THEIR PERSONS. - ratified title

12/09/20	**House**	**Prefiled**
12/09/20	**House**	**Referred to Committee on Judiciary**
01/12/21	**House**	**Introduced and read first time (House Journal-page 50)**
01/12/21	**House**	**Referred to Committee on Judiciary (House Journal-page 50)**
02/09/21	**House**	**Member(s) request name added as sponsor: McGarry**
04/14/21	**House**	**Member(s) request name added as sponsor: Wooten, Hixon**
04/21/21	**House**	**Committee report: Favorable with amendment Judiciary (House Journal-page 15)**
04/22/21		**Scrivener's error corrected**
04/27/21	**House**	**Debate adjourned (House Journal-page 93)**
04/27/21	**House**	**Member(s) request name added as sponsor: Erickson, Bradley**
04/28/21	**House**	**Amended (House Journal-page 12)**
04/28/21	**House**	**Requests for debate-Rep(s). Pope, Cobb-Hunter, Simrill, Ott, Blackwell, Taylor, Caskey, McGarry, Bustos, Cogswell, Bennet, Willis, B. Cox, Hiott, Allison, Magnuson, King, Henderson-Myers, JA Moore, Brawley, J.L. Johnson, Hosey, Cluburn, Govan, Henegan, Kirby, Herbkersman, Bailey, Hewitt, Garvin, Alexander, Oremus, R. Williams, Bamberg, McCravy, Jefferson, Sandifer, M. Smith, Wheeler, McGinnis, Hardee, West, Weeks, Hyde, Bruyant, Daning, Gilliam and Dillard (House Journal-page 12)**
05/05/21	**House**	**Debate adjourned until Thur., 5-6-21 (House Journal-page 32)**
05/11/21	**House**	**Debate adjourned until Wed., 5-12-21 (House Journal-page 56)**
05/12/21	**House**	**Amended (House Journal-page 44)**
05/12/21	**House**	**Read second time (House Journal-page 44)**
05/12/21	**House**	**Roll call Yeas-100 Nays-13 (House Journal-page 51)**
05/13/21	**House**	**Read third time and sent to Senate (House Journal-page 28)**

05/13/21	**Senate**	**Introduced and read first time (Senate Journal-page 6)**
05/13/21	**Senate**	**Referred to Committee on Judiciary (Senate Journal-page 6)**
05/13/21		**Scrivener's error corrected**
07/16/21	**Senate**	**Referred to Subcommittee: Senn (ch), Malloy, Kimpson, Matthews, Adams, Garrett, Gustafson**
04/20/22	**Senate**	**Committee report: Favorable with amendment Judiciary (Senate Journal-page 12)**
05/03/22	**Senate**	**Committee Amendment Amended and Adopted (Senate Journal-page 24)**
05/04/22		**Scrivener's error corrected**
05/04/22	**Senate**	**Read second time (Senate Journal-page 32)**
05/04/22	**Senate**	**Roll call Ayes-41 Nays-0 (Senate Journal-page 32)**
05/05/22	**Senate**	**Read third time and returned to House with amendments (Senate Journal-page 15)**
05/11/22	**House**	**Debate adjourned (House Journal-page 75)**
05/12/22	**House**	**Concurred in Senate amendment and enrolled (House Journal-page 13)**
05/12/22	**House**	**Roll call Yeas-103 Nays-4 (House Journal-page 18)**
05/18/22		**Ratified R 246**
05/23/22		**Signed By Governor**
06/01/22		**Effective date See Act for Effective Date**
06/01/22		**Act No. 218**