Agency Name: South Carolina Criminal Justice Academy

Statutory Authority: 23‑23‑10 et seq.

Document Number: 4345

Proposed in State Register Volume and Issue: 37/3

House Committee: Judiciary Committee

Senate Committee: Judiciary Committee

120 Day Review Expiration Date for Automatic Approval 05/14/2015

Final in State Register Volume and Issue: 39/6

Status: Final

Subject: Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)

History: 4345

By Date Action Description Jt. Res. No. Expiration Date

‑ 03/22/2013 Proposed Reg Published in SR

‑ 05/01/2013 Received by Lt. Gov & Speaker 04/07/2014

H 05/02/2013 Referred to Committee

S 05/02/2013 Referred to Committee

‑ 02/05/2014 Agency Withdrawal

 120 Day Period Tolled

‑ 06/06/2014 Withdrawn due to end of two‑year session

‑ 01/13/2015 Resubmitted with no substantive changes

 ‑ Received by Lt. Gov & Speaker 05/13/2015

S 02/24/2015 Committee Requested Withdrawal

 120 Day Period Tolled

- 02/25/2015 Withdrawn and Resubmitted 05/14/2015

S 03/04/2015 Resolution Introduced to Approve 504

- 05/14/2015 Approved by: Expiration Date

- 06/26/2015 Effective Date unless otherwise

 provided for in the Regulation

Resubmitted: February 25, 2015

Document No. 4345

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY**

CHAPTER 37

Statutory Authority: 1976 Code Sections 23‑23‑10 et seq.

37-112. Reporting to the National Decertification Index

**Synopsis:**

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed additions to the regulations will allow for reporting of misconduct by law enforcement officers to the National Decertification Index once a case is finalized (no more appeals pending or possible).

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

**Instructions:**

Add new regulation as shown below.

**Text:**

37-112. Reporting to the National Decertification Index.

 A. After the Council has issued its final agency action and the time for appeal has lapsed or the appeal rights have been exhausted, if a candidate/officer/operator is found to have committed misconduct as defined by R.37-025, R.37-026, R.37-073, and/or R.37-074 or if a candidate/officer/operator consents to sanctions under R.37-108, no matter the sanction issued by the Council pursuant to R.37-108, that candidate/officer/operator’s information shall be entered in the National Decertification Index by the Academy.

 B. Entry of a candidate/officer/operator’s information into the National Decertification Index in compliance with R.37-112(A) must not be the subject of or basis for any action at law or in equity in any court of the State.

**Fiscal Impact Statement:**

There will be a minimal increase in costs to the state with these changes, but these costs can be absorbed by the Academy.

**Statement of Rationale:**

Revisions to these regulations are necessary to allow for reporting of misconduct by law enforcement officers to the National Decertification Index once a case is finalized (no more appeals pending or possible).