Agency Name: South Carolina Criminal Justice Academy

Statutory Authority: 23-23-10 et seq.

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Subject: Denial of Certification for Misconduct

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- 01/08/2019 Received by Lt. Gov & Speaker 05/08/2019

H 01/08/2019 Referred to Committee

S 01/08/2019 Referred to Committee

H 03/19/2019 Committee Requested Withdrawal

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**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY**

CHAPTER 37

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

37-025. Denial of Certification for Misconduct.

**Synopsis:**

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Sections 23-23-10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Registe*r on March 23, 2018.

**Instructions:**

Replace R.37-025 as shown below.

**Text:**

37-025. Denial of Certification for Misconduct.

 A. The Council may deny certification based on evidence satisfactory to the Council that the candidate has engaged in misconduct. For purposes of this section, misconduct means:

 1. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), or a crime of moral turpitude in this or any other jurisdiction;

 2. Unlawful use of a controlled substance;

 3. The repeated use of excessive force in dealing with the public and/or prisoners;

 4. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;

 5. Physical or psychological abuses of members of the public and/or prisoners;

 6. Misrepresentation of employment-related information;

 7. To willfully make false, misleading, incomplete, deceitful, or incorrect statement(s) to a law enforcement officer, a law enforcement agency, or representative, except when required by departmental policy or by the laws of this State during the course of an investigation;

 8. To willfully make false, misleading, incomplete, deceitful, or incorrect statement(s) to a court of competent jurisdiction, or their staff members, whether under oath or not;

 9. To willfully make false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State.

 B. In considering whether to deny certification based on misconduct, the Council may consider the seriousness, the remoteness in time and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct.

**Fiscal Impact Statement:**

There will be no fiscal impact from this change.

**Statement of Rationale:**

Revisions to these regulations are necessary to make the definitions of misconduct for denial of certification for misconduct.