Agency Name: South Carolina Criminal Justice Academy

Statutory Authority: 23-23-10 et seq.

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Subject: Request for Contested Case Hearing

History: 5063

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provided for in the Regulation

Document No. 5063

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY**

CHAPTER 37

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

37‑101. Request for Contested Case Hearing.

**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 Section 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 July 23, 2021.

Section-by-Section Discussion:

37‑101. This section addresses requests for contested case hearings.

**Instructions:**

Print the regulation as shown. All other items remain unchanged.

**Text:**

37‑101. Request for Contested Case Hearing.

A. A person against whom an allegation of misconduct has been received by the Academy shall be notified of the allegation of misconduct and his right to a contested case hearing, either by delivering a copy of the allegation personally or by leaving a copy of the allegation at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein. A person against whom an allegation of misconduct has been received by the Academy may request a contested case hearing. The request must be made within three years after receipt of the allegation of misconduct and the service of the allegation on the officer, whichever is later. A person who fails to request a contested case hearing within the time allowed shall be deemed to have waived his right to a contested case hearing. The Law Enforcement Training Council shall proceed to enter a final agency decision to deny the person his law enforcement certification or telecommunications certification for a specified time period, up to a permanent denial. It is the responsibility of every candidate/officer/operator as described in Chapter 37 of these regulations to notify the Academy of his or her current address. All such notices required to be made to the candidate/officer/operator as prescribed in Chapter 37 of these regulations is effective upon mailing as required in this section.

B. A request for contested case hearing under this section must satisfy Rule 262(a), SCACR and Rule 263, SCACR.

**Fiscal Impact Statement:**

There will be no fiscal impact from this change.

**Statement of Rationale:**

Revisions to these regulations are necessary to revise the procedure for requesting contested case hearings.