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COMMITTEE REPORT

April 21, 2011

**S. 457**

Introduced by Senator Fair

S. Printed 4/21/11--S.

Read the first time January 27, 2011.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 457) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑116‑45 so as to provide that every police/security department shall implement policies, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

JOHN E. COURSON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Commission on Higher Education indicates this bill will have no impact on the General Fund of the State or on federal and/or other funds. This legislation does not affect the state’s public colleges and universities.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑116‑45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59‑116‑10, 59‑116‑20, AND 59‑116‑30, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS “CAMPUS” AND “CAMPUS POLICE OFFICER”, AND TO DEFINE THE TERM “CAMPUS SECURITY OFFICER”, TO PROVIDE THAT THESE PROVISIONS APPLY TO PRIVATE INSTITUTIONS, TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CAMPUS SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER’S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; TO AMEND SECTION 59‑116‑50, RELATING TO THE RANKS AND GRADES OF CAMPUS POLICE OFFICERS, SO AS TO DELETE THE TERM “PUBLIC SAFETY DIRECTOR” AND REPLACE IT WITH THE TERM “CHIEF LAW ENFORCEMENT EXECUTIVE”, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE INSTITUTIONS; TO AMEND SECTION 59‑116‑60, RELATING TO CAMPUS POLICE VEHICLES AND RADIO SYSTEMS, SO AS TO SUBSTITUTE THE TERM “CAMPUS POLICE DEPARTMENTS” FOR THE TERM “SAFETY AND SECURITY DEPARTMENTS”; TO AMEND SECTION 59‑116‑80, RELATING TO IMPERSONATING A CAMPUS POLICE OFFICER, SO AS TO SUBSTITUTE THE TERM “CAMPUS SECURITY DEPARTMENT” FOR THE TERM “SAFETY AND SECURITY DEPARTMENT”, TO PROVIDE THAT THIS PROVISION APPLIES TO A PRIVATE COLLEGE OR UNIVERSITY, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 59‑116‑100, RELATING TO THE PROCESSING OF A PERSON ARRESTED BY A CAMPUS POLICE OFFICER, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO THE ARREST OF A PERSON BY A CAMPUS SECURITY OFFICER; TO AMEND SECTION 59‑116‑120, RELATING TO COLLEGES AND UNIVERSITIES EMPLOYING SECURITY PERSONNEL, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE COLLEGES AND UNIVERSITIES, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTION 59‑116‑70 RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 116, Title 59 of the 1976 Code is amended by adding:

“Section 59‑116‑45. Every campus police and security department with approval from the governing body of the private institution concerned, shall implement policies and procedures to provide for effective and efficient operations of the department and to direct employees or agents of the department with associated duties and responsibilities.”

SECTION 2. Section 59‑116‑10 of the 1976 Code is amended to read:

“Section 59‑116‑10. As used in this chapter:

(1) ‘Campus’ means the ~~grounds and~~ buildings, grounds, or properties owned, ~~and~~ occupied, or controlled by a private college or university ~~for education purposes~~ and the streets and roads through, ~~and contiguous to the grounds~~ and contiguous to the property of the private college or university and not more than one hundred yards beyond its boundary.

(2) ‘College or university’ means a state chartered two‑ or four‑year private educational institution of higher learning located in this State.

(3) ‘Campus police officer’ means an employee of a private college or university whose duties include the enforcement of the laws of this State~~;~~, the preservation of public order~~;~~, the protection of life and property~~;~~, the prevention, detection, or investigation of a crime~~;~~, or a combination of those duties. It does not include personnel of a private company which provides security services on a contract basis for the institution concerned.

(4) ‘Campus security officer’ means an employee of a private college or university whose duties include the enforcement of the laws of this State as governed by S.C. Code of Regulations R. 73‑400 through 73‑422, and Chapter 18, Title 40 of the South Carolina Code of Laws, the preservation of public order, the protection of life and property, the prevention and detection of a crime, or a combination of those duties. It does not include personnel of a private company which provides security services on a contract basis for the institution concerned.”

SECTION 3. Section 59‑116‑20 of the 1976 Code is amended to read:

“Section 59‑116‑20. The ~~board of trustees~~ governing body of each private college or university may establish a ~~safety and security~~ police department and appoint and employ campus police and security officers to carry out the functions of the department. While on duty, uniformed campus police and security officers shall wear distinctive uniforms prescribed by the ~~board of trustees~~ governing body or its designees.

The police officers must be commissioned as constables pursuant to Section 23‑1‑60 and take the oath of office prescribed by ~~law and~~ the ~~state~~ State Constitution for those officers.

The jurisdiction of such a ~~constable~~ police officer is limited to the campus grounds and streets and roads through and contiguous to ~~them~~ the property of the private college or university not more than one hundred yards beyond its boundary, except as provided in Section 59‑116‑30(A)(2).”

SECTION 4. Section 59‑116‑30 of the 1976 Code is amended to read:

“Section 59‑116‑30. (A) Campus police officers are peace officers. While in the performance of the duties of their employment, they have all the powers of municipal and county police officers to make arrests for both felonies and misdemeanors and possess all of the common law and statutory powers, privileges, and immunities of police officers. Campus police officers shall:

(1) preserve the peace, maintain order, and prevent unlawful use of force or violence or other unlawful conduct on the campuses of their respective institutions and protect all persons and property located there from injury, harm, and damage;

(2) enforce and assist the officials of their respective institutions in the enforcement of the laws of the State and county and municipal ordinances, and the lawful regulations of the institution, and assist and cooperate with other law enforcement agencies and officers. Campus police officers shall exercise powers granted in this chapter ~~only upon the real property owned by their respective institutions~~ as defined in ~~item (1) of~~ Section 59‑116‑10 and Section 59‑116‑20 and while traveling to and from an institution‑sponsored event, while on the property of the location visited, while escorting a college or university employee or student, or while performing duties as required by the normal business practices of the institution; and

(3) provide notice to the chief law enforcement executive of any jurisdiction in which a private college or university plans to sponsor any off‑campus event. This notice shall take place at least twenty‑four hours before commencement of the event.

(B) Campus police officers may arrest persons outside the territory described in subsection (A) when the person arrested has committed a criminal offense within that territory, and the arrest is made during the person’s immediate and continuous flight from that territory.

(C) ~~Safety and security~~ Police/security departments created and operated by the ~~boards of trustees~~ governing bodies of private institutions under this chapter for the purposes of this chapter are campus ~~police~~ police/security departments. ~~and the sworn~~ Sworn campus police officers of the department are campus police officers and security officers of the department are security officers. As contained in this section, ‘campus security officer’ means an employee of a private college or university whose duties include the enforcement of the laws of this State as governed by S.C. Code of Regulations R. 73‑400 through 73‑422, and Chapter 18, Title 40 of the South Carolina Code of Laws, the preservation of public order, the protection of life and property, and the prevention and detection of a crime, or a combination of those duties. It does not include personnel of a private company which provides security services on a contract basis for the institution concerned.

(D) Campus police officers may designate and operate emergency vehicles and patrol cars in the manner provided by law for municipal and county law enforcement officers. ~~Such a vehicle~~ These regular assigned patrol vehicles or units must bear distinctive and conspicuous lettering ~~which reads “campus police” on the sides and rear of the vehicle~~ and markings on the sides and rear of the vehicle which provide clear identification of the agency and institution. The chief law enforcement executive for each agency or institution may designate unmarked vehicles assigned to administrative, special, or investigative duties which must be operated in the manner provided by law for municipal and county law enforcement officers.

The provisions of this chapter may not be construed as a diminution or modification of the authority or responsibility of a municipal police department, sheriff, constable, or other peace officer either on the property of an institution or otherwise.”

SECTION 5. Section 59‑116‑50 of the 1976 Code is amended to read:

“Section 59‑116‑50. The ~~public safety director~~ chief law enforcement executive or other appropriate official, with the approval of the governing ~~board~~ body of the private institution concerned, shall establish within the ~~security~~ police department a system of ranks and grades and a promotion policy to insure efficient operation of the department and the establishment of responsibility ~~in~~ within it.”

SECTION 6. Section 59‑116‑60(B) of the 1976 Code is amended to read:

“(B) ~~Safety and security~~ Campus police departments may install, maintain, and operate radio systems on radio frequencies under licenses issued by the Federal Communications Commission, or its successor.”

SECTION 7. Section 59‑116‑80(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to falsely represent himself to be a campus police officer, or agent, or an employee of a ~~safety and security~~ campus security department of a private college or university, ~~or~~ and acting upon their representation to arrest, detain, search, or question ~~in any manner~~ the person or property of a person, nor may a person without the authority of the governing ~~board~~ body of the institution wear its official uniform, insignia, badge, or identification of the department.”

SECTION 8. Section 59‑116‑100 of the 1976 Code is amended to read:

“Section 59‑116‑100. Persons arrested by a campus police or security officer must be processed in the manner persons arrested are processed by municipal and county law enforcement officers.”

SECTION 9. Section 59‑116‑120 of the 1976 Code is amended to read:

“Section 59‑116‑120. The provisions of this chapter may not be construed to prevent private colleges and universities from employing or continuing to employ security guards, gatekeepers, and other security personnel, and the chapter applies only to those ~~security~~ police and security officers who are granted the additional law enforcement authority including the power to arrest provided for officers who fulfill the requirements and meet the standards prescribed in this chapter.”

SECTION 10. Section 59‑116‑70 of the 1976 Code is repealed.

SECTION 11. This act takes effect upon approval by the Governor.

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