~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 9, 2014

**S. 275**

Introduced by Senators L. Martin, Hembree and Malloy

S. Printed 4/9/14--H.

Read the first time March 6, 2014.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 275) to amend Section 23‑1‑210, as amended, Code of Laws of South Carolina, 1976, relating to the temporary transfer or assignment of a municipal or county, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 23‑1‑210 of the 1976 Code is amended to read:

“Section 23‑1‑210. (A) Any municipal or county law enforcement officer may be transferred or assigned on a temporary basis to work in law enforcement within multijurisdictional task forces established for the mutual aid and benefit of the participating jurisdictions, or in any other municipality or county in this State under the conditions set forth in this section, and when so transferred or assigned shall have all powers and authority of a law enforcement officer employed by the jurisdiction to which he is transferred or assigned.

(B) Prior to any transfer or assignment as authorized in subsection (A), the concerned ~~municipalities or counties~~ political subdivisions, or agencies, as appropriate, shall enter into written agreements stating the conditions and terms of the temporary employment of officers to be transferred or assigned. A political subdivision is not required to enter into an agreement under this section. Any agreement entered into by a political subdivision must be in writing and may be approved by resolution or by ordinance. The bond for any officer transferred or assigned shall include coverage for his activity in the municipality or county to which he is transferred or assigned in the same manner and to the same extent provided by bonds of regularly employed officers of that municipality or county.

(C) Agreements made pursuant to subsection (B) shall provide that temporary transfers or assignments shall in no manner affect or reduce the compensation, pension, or retirement rights of transferred or assigned officers and such officers shall continue to be paid by the county or municipality where they are permanently employed~~, with the sending county or municipality being reimbursed for their services by the county or municipality to which they are transferred or assigned~~.

(D) The respective governing bodies of the political subdivisions, where each of the law enforcement agencies entering into the agreement authorized in subsection (A) are located, must be notified by its agency of the agreement’s execution and termination. The notification must be in writing and accomplished within seventy‑two hours of the agreement’s execution and within seventy‑two hours of the agreement’s termination.”/

SECTION 2. Section 23‑1‑215(A) of the 1976 Code, as last amended by Act 3 of 2007, is further amended to read:

/ “(A) In the event of a crime or crimes that have occurred where multiple jurisdictions, either county or municipal, are involved and exigent circumstances exist, law enforcement officers are authorized to exercise jurisdiction within other counties or municipalities for the purpose of criminal investigations only if a written agreement between or among the law enforcement agencies involved has been executed. This limitation on law enforcement activity shall not apply to any activity authorized by Section 17‑13‑40.” /

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**A** **BILL**

TO AMEND SECTION 23‑1‑210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEMPORARY TRANSFER OR ASSIGNMENT OF A MUNICIPAL OR COUNTY LAW ENFORCEMENT OFFICER TO A MULTIJURISDICTIONAL TASK FORCE, SO AS TO MAKE A TECHNICAL CHANGE, DELETE THE PROVISION THAT REQUIRES A COUNTY OR MUNICIPALITY THAT SENDS AN OFFICER TO ANOTHER COUNTY OR MUNICIPALITY TO BE REIMBURSED FOR SERVICES BY THE COUNTY OR MUNICIPALITY TO WHICH THE OFFICER IS TRANSFERRED OR ASSIGNED, AND TO PROVIDE THAT THE GOVERNING BODIES OF THE POLITICAL SUBDIVISIONS AFFECTED BY THIS PROVISION MUST BE NOTIFIED BY THEIR LAW ENFORCEMENT DIVISIONS OF ANY MULTIJURISDICTIONAL TASK FORCE AGREEMENT EXECUTION AND TERMINATION.

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

SECTION 1. Section 23‑1‑210 of the 1976 Code is amended to read:

“Section 23‑1‑210. (A) Any municipal or county law enforcement officer may be transferred or assigned on a temporary basis to work in law enforcement within multijurisdictional task forces established for the mutual aid and benefit of the participating jurisdictions, or in any other municipality or county in this State under the conditions set forth in this section, and when so transferred or assigned shall have all powers and authority of a law enforcement officer employed by the jurisdiction to which he is transferred or assigned.

(B) Prior to any transfer or assignment as authorized in subsection (A), the concerned municipalities, ~~or~~ counties, or agencies, as appropriate, shall enter into written agreements stating the conditions and terms of the temporary employment of officers to be transferred or assigned. A municipality or county is not required to enter into or approve a written agreement by ordinance and may agree to enter into or approve a written agreement by resolution. The bond for any officer transferred or assigned shall include coverage for his activity in the municipality or county to which he is transferred or assigned in the same manner and to the same extent provided by bonds of regularly employed officers of that municipality or county.

(C) Agreements made pursuant to subsection (B) shall provide that temporary transfers or assignments shall in no manner affect or reduce the compensation, pension, or retirement rights of transferred or assigned officers and such officers shall continue to be paid by the county or municipality where they are permanently employed~~, with the sending county or municipality being reimbursed for their services by the county or municipality to which they are transferred or assigned~~.

(D) The respective governing bodies of the political subdivisions, where each of the law enforcement agencies entering into the agreement authorized in subsection (A) are located, must be notified by its agency of the agreement’s execution and termination. The notification must be in writing and accomplished within seventy‑two hours of the agreement’s execution and within seventy‑two hours of the agreement’s termination.”

SECTION 2. This act takes effect upon approval by the Governor.

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