**South Carolina General Assembly**

121st Session, 2015-2016

**S. 302**

**STATUS INFORMATION**

General Bill

Sponsors: Senator L. Martin

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Companion/Similar bill(s): 3653

Introduced in the Senate on January 13, 2015

Currently residing in the Senate Committee on **Judiciary**

Summary: Law enforcement officers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/13/2015 Senate Introduced and read first time ([Senate Journal‑page 176](file:///h:\SJ%20Archive\2015\01-13-15.docx))

1/13/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 176](file:///h:\SJ%20Archive\2015\01-13-15.docx))

2/13/2015 Senate Referred to Subcommittee: Malloy (ch), Campsen, Hembree, McElveen, Turner

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**VERSIONS OF THIS BILL**

[1/13/2015](file:///p:\pprever\2015-16\302_20150113.docx)

**A** **BILL**

TO AMEND SECTION 23‑1‑210 OF THE 1976 CODE, RELATING TO TRANSFERS OR ASSIGNMENTS OF LAW ENFORCEMENT OFFICERS, TO PROVIDE THAT THE GENERAL ASSEMBLY AUTHORIZES A LAW ENFORCEMENT AGENCY TO ENTER INTO MUTUAL AID AGREEMENTS OR MULTIJURISDICTIONAL TASK FORCE AGREEMENTS WITH OTHER LAW ENFORCEMENT PROVIDERS AS MAY BE NECESSARY IN THE INTERESTS OF PUBLIC SAFETY, TO REMOVE THE REQUIREMENT THAT A TRANSFER OF OFFICERS MUST BE TEMPORARY IN NATURE, TO PROVIDE THAT NOTHING SHALL PRECLUDE A SHERIFF OF ANY COUNTY FROM ENTERING INTO A MUTUAL AID AGREEMENT, SO LONG AS THE AGREEMENT DOES NOT OBLIGATE THE GOVERNING BODY BEYOND APPROVED FINANCIAL RESOURCES, TO PROVIDE THAT THE AGREEMENTS MAY BE TERMINATED IN WRITING AT THE DISCRETION OF ANY OF THE LAW ENFORCEMENT AGENCIES INVOLVED, WITH RETURN RECEIPT REQUESTED, TO REQUIRE THAT ANY ACTION MADE BY THE GOVERNING BODY OF A COUNTY, MUNICIPALITY, OR POLITICAL SUBDIVISION THAT PROHIBITS A LAW ENFORCEMENT AGENCY FROM TRANSFERRING OR ASSIGNING OFFICERS BE COTERMINOUS WITH THE TENURE OF THE LAW ENFORCEMENT AGENCY HEAD APPOINTED BY THE GOVERNING BODY, TO PROVIDE THAT A DECISION BY A GOVERNING BODY TO PROHIBIT THE TRANSFER OR ASSIGNMENT OF OFFICERS TO ANOTHER JURISDICTION SHALL NOT IMPEDE OR AFFECT THE SHERIFF’S AUTHORITY TO ENFORCE THE LAW, TO PROVIDE THAT AGREEMENTS ENTERED INTO PURSUANT TO THIS SECTION ARE NOT REQUIRED TO BE PERFORMED OVER A SPECIFIC PERIOD OF TIME; AND TO REPEAL SECTION 23‑1‑215 OF THE 1976 CODE.

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) The General Assembly recognizes the need to promote public safety and further recognizes that there may be situations where additional law enforcement officers or additional resources are needed to maintain the public peace and welfare. Therefore, the General Assembly authorizes a law enforcement agency of this State to enter into mutual aid agreements or multijurisdictional task force agreements with other law enforcement providers as may be necessary for the proper and prudent exercise of public safety functions.

~~(A)~~(B) Unless otherwise prohibited by ordinance of the respective governing body of the county, municipality, or political subdivision, ~~Any~~ 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 or to 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. Provided, however, nothing herein shall preclude the Sheriff of any county in this state from entering into the agreements authorized in this section, so long as the agreements do not obligate the governing body to any additional financial resources beyond those approved within any annual budget cycle of the governing body.

~~(B)~~(C) Prior to any transfer or assignment as authorized in subsection ~~(A)~~(B), the concerned ~~municipalities or counties~~ law enforcement agencies shall enter into written agreements stating the conditions and terms of the ~~temporary~~ employment of officers to be transferred or assigned. 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)~~(D) Agreements made pursuant to subsection ~~(B)~~(C) 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, in accordance with such reimbursement terms as may be included in the agreements.

(E) Agreements made pursuant to this section may be terminated in writing at the discretion of any of the law enforcement agencies involved. The termination must be delivered or mailed to the appropriate agencies with return receipt requested.

(F) Any action made by the governing body of a county, municipality, or political subdivision that prohibits a law enforcement agency from transferring or assigning law enforcement officers to other jurisdictions must run coterminous with the tenure of the law enforcement agency head appointed by the governing body. In no case shall the prohibitive actions of a governing body of a county, municipality, or political subdivision extend to a future law enforcement agency head.

(G) The decision of a governing body of a county, municipality, or political subdivision to prohibit a law enforcement agency from transferring or assigning law enforcement officers to other jurisdictions shall not impede or affect in any way the Sheriff’s authority to enforce the law in the county to which he has been elected.

(H) Unlike agreements entered into pursuant to the ‘Law Enforcement Assistance and Support Act’, as referenced in Section 23‑20‑10, agreements entered into pursuant to this section do not require the law enforcement services to be performed over a specified time period.”

SECTION 2. Section 23‑1‑215 of the 1976 Code is repealed.

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

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