COMMITTEE REPORT

April 20, 2016

**H. 4387**

Introduced by Reps. Bamberg, Henegan, Clyburn, Pitts and Cobb‑Hunter

S. Printed 4/20/16--H.

Read the first time January 12, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4387) to amend the Code of Laws of South Carolina, 1976, by adding Section 23‑1‑245 so as to provide that a law enforcement agency, department, 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. Chapter 1, Title 23 of the 1976 Code is amended by adding:

“Section 23‑1‑245. (A) A law enforcement agency, department, or division may not require a law enforcement officer employed by the agency, department, or division to issue a specific amount or meet a quota for the number of citations he issues during a designated period of time.

(B) Nothing in this section shall prohibit a law enforcement agency, department, or division from evaluating an officer’s performance based on the officer’s points of contact.

(C) An employee of a law enforcement agency, department, or division who files a report with an appropriate authority alleging a violation of the provisions contained in this section is protected by the provisions contained in Chapter 27, Title 8.

(D) As contained in this section:

(1) ‘law enforcement agency, department, or division’ includes, but is not limited to, municipal police departments, sheriff departments, the Highway Patrol, SLED, and other agencies that enforce state and local laws;

(2) ‘quota’ means any system that tracks the number of citations issued by a law enforcement officer; and

(3) ‘points of contact’ means a law enforcement officer’s interaction with citizens who live, work, and commute within their jurisdictions and the law enforcement officer’s involvement in community‑oriented initiatives.”

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

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑1‑245 SO AS TO PROVIDE THAT A LAW ENFORCEMENT AGENCY, DEPARTMENT, OR DIVISION MAY NOT REQUIRE ITS OFFICERS TO ISSUE A SPECIFIC AMOUNT OR MEET A QUOTA FOR THE NUMBER OF CITATIONS THEIR OFFICERS ISSUE DURING A DESIGNATED PERIOD OF TIME, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY, DEPARTMENT, OR DIVISION MAY NOT COMPARE THE NUMBER OF CITATIONS ISSUED BY ITS OFFICERS FOR THE PURPOSE OF EVALUATING AN OFFICER’S JOB PERFORMANCE, TO PROVIDE THAT “POINT OF CONTACT” MAY BE USED TO EVALUATE AN OFFICER’S PERFORMANCE, TO PROVIDE THAT AN EMPLOYEE WHO FILES A REPORT THAT ALLEGES A VIOLATION OF THIS SECTION IS PROTECTED BY THE “WHISTLE BLOWER ACT”, AND TO PROVIDE DEFINITIONS.

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

SECTION 1. Chapter 1, Title 23 of the 1976 Code is amended by adding:

“Section 23‑1‑245. (A) A law enforcement agency, department, or division may not require a law enforcement officer employed by the agency, department, or division to issue a specific amount or meet a quota for the number of citations he issues during a designated period of time.

(B) A law enforcement agency, department, or division may not compare the number of citations issued by a law enforcement officer to the number of citations issued by another officer who has similar responsibilities for the purpose of evaluating the officer’s job performance.

(C) Nothing in this section shall prohibit a law enforcement agency, department, or division from evaluating an officer’s performance based on the officer’s points of contact.

(D) An employee of a law enforcement agency, department, or division who files a report with an appropriate authority alleging a violation of the provisions contained in this section is protected by the provisions contained in Chapter 27, Title 8.

(E) As contained in this section:

(1) ‘law enforcement agency, department, or division’ includes, but is not limited to, municipal police departments, sheriff departments, the Highway Patrol, SLED, and other agencies that enforce state and local laws;

(2) ‘quota’ means any system that tracks the number of citations issued by a law enforcement officer; and

(3) ‘points of contact’ means a law enforcement officer’s interaction with citizens who live, work, and commute within their jurisdictions and the law enforcement officer’s involvement in community‑oriented initiatives.”

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

‑‑‑‑XX‑‑‑‑