COMMITTEE REPORT

May 24, 2016

**H. 4387**

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

S. Printed 5/24/16--S.

Read the first time April 28, 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, page 2 by striking lines 13-18 and inserting:

/ (2) ‘quota’ means a fixed or predetermined amount.

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

Renumber sections to conform.

Amend title to conform.

LARRY A. MARTIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill as amended is not expected to impact general fund, federal fund, or other fund expenditures for the Department of Public Safety. The expenditure impact for this bill is pending, contingent upon a response from the South Carolina Law Enforcement Division. Additionally, we do not expect any impact on local expenditures or revenues.

**Explanation of Fiscal Impact**

**Explanation of Amendment by the House of Representatives on April 26, 2016**

**State Expenditure**

This bill as amended adds Section 23-1-245, which provides that 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 issued during a designated period of time. Also, 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. Nothing in the section shall prohibit a law enforcement agency, department, or division from evaluating an officer’s performance based on the officer’s points of contact. Additionally, 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 in Chapter 27, Title 8.

**Department of Public Safety.** The department indicates that this bill will have no expenditure impact on the general fund, federal fund, or other funds .

**South Carolina Law Enforcement Division.** The expenditure impact for this bill is pending, contingent upon a response from the agency.

**Local Expenditure**

The Revenue and Fiscal Affairs Office contacted the South Carolina Association of Counties and the Municipal Association of South Carolina regarding the expenditure impact of this bill. The South Carolina Association of Counties indicates that they are not aware of county law enforcement agencies with quotas on the number of citations issued. The Municipal Association of South Carolina surveyed the Police Chiefs Association and a number of police chiefs regarding this bill and also indicates that municipal police departments do not use quotas on the number of citations issued. Therefore, this bill is not expected to have an expenditure impact on local law enforcement agencies.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**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) 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.”

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