**A** **BILL**

TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING LAW ENFORCEMENT, TO PROVIDE THAT EACH LAW ENFORCEMENT AGENCY SHALL HAVE A WRITTEN POLICY REGARDING THE INVESTIGATION OF OFFICER‑INVOLVED DEATHS, TO PROVIDE FOR THE CONTENTS OF THE POLICY, TO PROVIDE FOR INVESTIGATIONS, TO PROVIDE FOR REPORTS, TO PROVIDE FOR THE RELEASE OF THE REPORT IF PROSECUTION IS NOT PURSUED, TO PROVIDE FOR NOTICE OF VICTIM’S RIGHTS, AND TO DEFINE NECESSARY TERMS.

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 23‑1‑240. (A) As used in this section:

(1) ‘Law enforcement agency’ means any state, county, municipal, or local law enforcement authority.

(2) ‘Law enforcement officer’ means an appointed officer or employee hired by and regularly on the payroll of the State or any of its political subdivisions, who is granted statutory authority to enforce all or some of the criminal, traffic, and penal laws of the State and who possesses, with respect to those laws, the power to effect arrests for offenses committed or alleged to have been committed.

(3) ‘Officer−involved death’ means the death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

(4) ‘Victim’ means an individual’s spouse, parent, child or lawful representative of a victim who is:

(a) deceased;

(b) a minor;

(c) incompetent; or

(d) physically or psychologically incapacitated.

(B)(1) Each law enforcement agency shall have a written policy regarding the investigation of officer‑involved deaths. The policy must require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer−involved death;

(2) Each policy may allow an internal investigation into the officer−involved death if the internal investigation does not interfere with the investigation conducted under subsection (B).

(C) The investigators conducting the investigation under subsection (B) shall, in an expeditious manner, provide a complete report to the solicitor of the county in which the officer−involved death occurred.

(D) If the solicitor determines there is no basis to prosecute the law enforcement officer involved in the officer−involved death, the investigators conducting the investigation shall publicly release the report.

(E) A victim of an officer‑involved death shall be notified of his or her rights pursuant to Article 1, Section 24 of the South Carolina Constitution.

(F) When a motor vehicle or motorcycle of a law enforcement agency is involved in a traffic collision, the provisions contained in Section 56‑5‑765 shall govern the investigation and disposition of the matter rather than the provisions contained in this section.”

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

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