**A** **BILL**

TO AMEND CHAPTER 3, TITLE 23 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, BY ADDING ARTICLE 18, TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION MUST INVESTIGATE OFFICER‑INVOLVED DEATHS OR WHERE A LAW ENFORCEMENT OFFICER INFLICTS GREAT BODILY INJURY ON AN INDIVIDUAL, TO PROVIDE THAT IF A STATE LAW ENFORCEMENT DIVISION OFFICER IS THE PROPER SUBJECT OF AN INVESTIGATION THEN THE ATTORNEY GENERAL SHALL ASSIGN THE INVESTIGATION TO A LAW ENFORCEMENT AGENCY WITH APPROPRIATE EXPERTISE TO INVESTIGATE, AND TO DEFINE NECESSARY TERMS; TO AMEND ARTICLE 1, CHAPTER 7, TITLE 1, RELATING TO THE ATTORNEY GENERAL, TO PROVIDE THAT THE ATTORNEY GENERAL MUST DETERMINE WHETHER TO PROSECUTE CASES RELATED TO OFFICER INVOLVED DEATHS OR GREAT BODILY INJURY, AND TO PROVIDE THAT THE ATTORNEY GENERAL MUST PROSECUTE THE CASES UNLESS HE HAS A CONFLICT OF INTEREST IN WHICH CASE HE MUST SELECT ANOTHER PROSECUTOR.

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

SECTION 1. Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Article 18

Section 23‑3‑1600. (A) For the purposes of this section:

(1) ‘Officer‑involved death’ means the death of an individual that results directly from an act or 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.

(2) ‘Great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(B)(1) The State Law Enforcement Division shall investigate all instances involving an officer‑involved death or where a law enforcement officer inflicts great bodily injury on another person. (2) In the event that the law enforcement officer involved is an employee of the State Law Enforcement Division, the Attorney General will assign the investigation to another agency that has the appropriate expertise.

(C) At the conclusion of the investigation a report must be made to the Attorney General for disposition pursuant Section 1‑7‑180.”

SECTION 2. Article 1, Chapter 7, Title 1 of the 1976 Code is amended by adding:

“Section 1‑7‑180. (A) Upon receipt of the investigation report prepared pursuant to Section 23‑3‑160, the Attorney General shall make a determination about whether to prosecute the law enforcement officer involved in the incident that is the subject of the report. If it is determined that the law enforcement officer should be prosecuted, the Attorney General shall conduct the prosecution except as provided in subsection (B).

(B) In the event that a conflict of interest disqualifies the Attorney General from prosecuting the case, the Attorney General shall refer the matter to a solicitor for prosecution.”

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

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