**South Carolina General Assembly**

122nd Session, 2017-2018

**S. 117**

**STATUS INFORMATION**

General Bill

Sponsors: Senators M.B. Matthews and McLeod

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Introduced in the Senate on January 10, 2017

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

Summary: Law Enforcement Officer certification requirements

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2016 Senate Prefiled

12/13/2016 Senate Referred to Committee on **Judiciary**

1/10/2017 Senate Introduced and read first time ([Senate Journal‑page 68](file:///h:\sj\20170110.docx))

1/10/2017 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 68](file:///h:\sj\20170110.docx))

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**VERSIONS OF THIS BILL**

[12/13/2016](file:///p:\pprever\2017-18\117_20161213.docx)

**A** **BILL**

TO AMEND SECTION 23‑23‑60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIREMENTS FOR CERTIFICATION AS A LAW ENFORCEMENT OFFICER, SO AS TO INCLUDE AMONG THOSE REQUIREMENTS A PSYCHOLOGICAL TEST CERTIFYING THAT THE CANDIDATE FOR CERTIFICATION IS PSYCHOLOGICALLY SUITED TO PERFORM LAW ENFORCEMENT DUTIES, TO PROVIDE THAT IF A CERTIFICATE LAPSES, THE PSYCHOLOGICAL TEST MUST BE PERFORMED BEFORE BEING REINSTATED, AND TO PROVIDE THAT PSYCHOLOGICAL TESTING IS REQUIRED FOR LAW ENFORCEMENT TRAINING.

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

SECTION 1. Section 23‑23‑60 of the 1976 Code, as last amended by Act 225 of 2014, is further amended to read:

“Section 23‑23‑60. (A) At the request of any public law enforcement agency of this State the council is hereby authorized to issue certificates and other appropriate indicia of compliance and qualification to law enforcement officers or other persons trained under the provisions of this chapter. Members of the council may individually or collectively visit and inspect any training school, class, or academy dealing with present or prospective law enforcement officers, and are expected to promote the most efficient and economical program for police training, including the maximum utilization of existing facilities and programs for the purpose of avoiding duplication. The council may make recommendations to the director, the General Assembly, or to the Governor regarding the carrying out of the purposes, objectives, and intentions of this chapter or other acts relating to training in law enforcement.

(B) All city and county police departments, sheriffs’ offices, state agencies, or other employers of law enforcement officers having such officers as candidates for certification shall submit to the director, for his confidential information and subsequent safekeeping, the following:

(1) an application under oath on a format prescribed by the director;

(2) evidence satisfactory to the director that the candidate has completed high school and received a high school diploma, equivalency certificate (military or other) recognized and accepted by the South Carolina Department of Education or South Carolina special certificate;

(3) evidence satisfactory to the director of the candidate’s physical fitness to fulfill the duties of a law enforcement officer including:

(a) a copy of his medical history compiled by a licensed physician or medical examiner approved by the employer;

(b) a certificate of a licensed physician that the candidate has recently undergone a complete medical examination and the results thereof;

(4) evidence satisfactory to the director that the applicant has not been convicted of any criminal offense that carries a sentence of one year or more or of any criminal offense that involves moral turpitude. Forfeiture of bond, a guilty plea, or a plea of nolo contendere is considered the equivalent of a conviction;

(5) evidence satisfactory to the director that the candidate is a person of good character. This evidence must include, but is not limited to:

(a) certification by the candidate’s employer that a background investigation has been conducted and the employer is of the opinion that the candidate is of good character;

(b) evidence satisfactory to the director that the candidate holds a valid current state driver’s license with no record during the previous five years for suspension of driver’s license as a result of driving under the influence of alcoholic beverages or dangerous drugs, driving while impaired (or the equivalent), reckless homicide, involuntary manslaughter, or leaving the scene of an accident. Candidates for certification as state or local correctional officers may hold a valid current driver’s license issued by any jurisdiction of the United States;

(c) evidence satisfactory to the director that a local credit check has been made with favorable results;

(d) evidence satisfactory to the director that the candidate’s fingerprint record as received from the Federal Bureau of Investigation and South Carolina Law Enforcement Division indicates no record of felony convictions.

In the director’s determination of good character, the director shall give consideration to all law violations, including traffic and conservation law convictions, as indicating a lack of good character. The director shall also give consideration to the candidate’s prior history, if any, of alcohol and drug abuse in arriving at a determination of good character;

(6) a copy of the candidate’s photograph;

(7) a copy of the candidate’s fingerprints;

(8) evidence satisfactory to the director that the candidate’s present age is not less than twenty‑one years. This evidence must include a birth certificate or another acceptable document;

(9) evidence satisfactory to the director of successful completion of a course of law enforcement training as established and approved by the director, and conducted at an academy or institution approved by the director, this evidence to consist of a certificate granted by the approved institution; and

(10) evidence satisfactory to the director of successful completion of a psychological examination conducted by a licensed professional who certifies that the candidate is psychologically suited to perform law enforcement related duties.

(C)(1) A certificate as a law enforcement officer issued by the council will expire three years from the date of issuance or upon discontinuance of employment by the officer with the employing entity or agency.

(2) Notwithstanding the provisions of item (1), a certificate may not expire if employment is discontinued because of the officer’s absence from work due to a disability he sustained in that employment for which he receives workers’ compensation benefits and from which he has not been authorized to return to work without restriction; provided, however, that before he may resume employment for which the certificate is required, he must complete all continuing education requirements for the period of time in which he was receiving workers’ compensation benefits and had not been authorized to return to work. Additionally, the three‑year duration of a certificate is tolled during such an absence from employment, and begins running when the officer is authorized to return to work without restriction.

(3) Prior to the expiration of the certificate, the certificate may be renewed upon application presented to the director on a form prescribed by the director. The application for renewal must be received by the director at least forty‑five days prior to the expiration of the certificate.

(4) If the officer’s certificate has lapsed, the council may reissue the certificate after receipt of an application and if the director is satisfied that the officer continues to meet the requirements of subsection (B)(1) through ~~(9)~~(10).

(D) The director may accept for training as a law enforcement officer an applicant who has met requirements of subsection (B)(1), (2), (3), (4), (5), (6), (7), (8), and (10).”

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

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