**A** **BILL**

TO AMEND SECTION 23-23-80 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL, TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL IS AUTHORIZED TO APPOINT ATTORNEYS EMPLOYED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY TO SIT AS HEARING OFFICERS FOR CONTESTED CASE HEARINGS; AND TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, BY ADDING SECTION 23-23-150, TO PROVIDE THAT NO PERSON WHO HAS A PENDING ALLEGATION OF MISCONDUCT MAY BE EMPLOYED AS A LAW ENFORCEMENT OFFICER OR AS A TELECOMMUNICATIONS OPERATOR, HAVE THE AUTHORITY OF A LAW ENFORCEMENT OFFICER, PERFORM ANY DUTIES OF A LAW ENFORCEMENT OFFICER, OR EXERCISE THE POWER OF ARREST UNTIL THE LAW ENFORCEMENT TRAINING COUNCIL OR AN APPELLATE COURT HAS ISSUED A DECISION AUTHORIZING THE PERSON TO BE EMPLOYED IN THOSE AREAS, TO PROVIDE THAT A PERSON AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL BE NOTIFIED BY CERTIFIED MAIL OF THE ALLEGATION OF MISCONDUCT AND HIS RIGHT TO A CONTESTED CASE HEARING, TO PROVIDE THAT A PERSON AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY MUST REQUEST A CONTESTED CASE HEARING WITHIN SIXTY DAYS AFTER RECEIPT OF THE ALLEGATION OF MISCONDUCT AND RIGHT TO A CONTESTED CASE HEARING, AND TO PROVIDE FOR THE PROCEDURES OF A CONTESTED CASE HEARING.

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

SECTION 1. Section 23-23-80 of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) appoint attorneys employed by the South Carolina Criminal Justice Academy to sit as hearing officers for contested case hearings. The attorneys shall be authorized, in part, to submit, hearing officer recommendations to the council.”

SECTION 2. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23-23-150. (A) No person who has a pending allegation of misconduct may be employed as a law enforcement officer or as a telecommunications operator; have the authority of a law enforcement officer; perform any duties of a law enforcement officer, including those duties involving the control and direction of members of the public, detainees, or prisoners; or exercise the power of arrest until:

(1) the Law Enforcement Training Council has issued a final agency decision that the person may be granted certification, be granted certification with probation, be granted certification with any additional requirements deemed just and proper by the council, or be granted certification with a public reprimand; or

(2) an appellate court issues a ruling that the Law Enforcement Training Council shall issue the person his law enforcement certification or telecommunications certification and the Law Enforcement Training Council or Criminal Justice Academy has not appealed the ruling.

(B) It is the responsibility of every law enforcement candidate, law enforcement officer, or telecommunications operator to notify the South Carolina Criminal Justice Academy of his current address.

(C) A person against whom an allegation of misconduct has been received by the South Carolina Criminal Justice Academy shall be notified by certified mail of the allegation of misconduct and his right to a contested case hearing.

(D) A person against whom an allegation of misconduct has been received by the South Carolina Criminal Justice Academy must request a contested case hearing within sixty days after receipt of the allegation of misconduct and right to a contested case hearing. A person who fails to request a contested case hearing within the time allowed shall be deemed to have waived his right to a contested case hearing. The Law Enforcement Training Council shall proceed to enter a final agency decision to permanently deny the person from being issued his law enforcement certification or telecommunications certification.

(E) The parties will be notified via certified mail of the hearing officer’s recommendation to the full Law Enforcement Training Council. A party opposing the recommendation may file a motion in opposition of the hearing officer’s recommendation within fifteen days of receipt. Within ten days of receipt of the motion in opposition, a party supporting the recommendation may file a motion in support of the hearing officer’s recommendation. These motions shall be submitted to the full Law Enforcement Training Council, along with the recommendation, hearing transcript, and exhibits. The council may schedule oral arguments for the next quarterly scheduled meeting. After reviewing the motions, recommendation, hearing transcript, and exhibits, the council may vote and issue a final agency decision at any time other than at a quarterly or special meeting.”

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

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