



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	S. 0038	Introduced on January 8, 2019
Author:	Malloy	
Subject:	Officer Involved Shootings	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	January 31, 2019	

Fiscal Impact Summary

The State Law Enforcement Division reports that the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds as the agency currently performs officer involved shooting investigations.

Explanation of Fiscal Impact

Introduced on January 8, 2019

State Expenditure

This bill, referred to and approved by the Judiciary Committee without amendment, provides that the South Carolina Law Enforcement Division (SLED) shall have exclusive jurisdiction and authority to investigate incidents involving the discharge of a law enforcement officer's weapon against a person in custody; the unexpected death of an arrestee while in the care, custody, or control of a law enforcement officer or correctional officer; the unexpected death of an arrestee shortly after being in the care, custody, or control of a law enforcement officer or correctional officer; or the unexpected death of an intended arrestee during an arrest attempt by a law enforcement officer. Unexpected death refers to all such deaths which, before investigation, appear to have been caused by trauma or to have occurred under suspicious circumstances.

In the instance that a law enforcement officer is employed by SLED, the sheriff of the county in which the shooting, discharge, or unexpected death occurred is responsible for conducting the investigation, regardless of whether the event occurred within an incorporated jurisdiction. Should the sheriff not employ a full-time crime processing unit, he must defer the investigation to a law enforcement agency possessing such a unit having the appropriate expertise. All forensic evidence related to the case must be processed by an accredited state law enforcement laboratory outside of South Carolina.

In the instance that a law enforcement officer employed by SLED and an officer employed by a county are involved in an event involving the shooting, discharge, or unexpected death, the solicitor of the county in which the event occurred must defer the investigation to a law enforcement agency that employs a unit that regularly processes crime scenes, conducts forensic and criminal investigations, and possesses the expertise to conduct a proper investigation. All forensic evidence related to the case must be processed by an accredited state law enforcement laboratory outside of South Carolina.

An officer investigating such an event has the same authority as he would in his home jurisdiction for the duration of the investigation. Before any formal criminal proceeding can commence, the results of an investigation must be sent by the investigating authority to the solicitor's office in the jurisdiction where the event occurred. A person convicted of knowingly and willfully violating these provisions is subject to a penalty consisting of no more than a \$1,000 fine and imprisonment for one year. The presiding judge over a convicted case must send the indictment to the Governor, who will subsequently issue an Executive Order declaring the officer's previous position as vacant.

State Law Enforcement Division. The bill requires the agency to perform activities that are conducted in the normal course of agency business, as officer involved shooting investigations are already performed by SLED. As a result, this bill does not have an expenditure on the General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director