**A** **BILL**

TO AMEND SECTION 23-23-150(A) AND (B) OF THE 1976 CODE, RELATING TO ADJUDICATIONS OF ALLEGATIONS OF MISCONDUCT, TO PROVIDE THAT MISCONDUCT ALSO MEANS WILFULLY FAILING TO INTERVENE WHEN OBSERVING ANOTHER LAW ENFORCEMENT OFFICER NOT COMPLYING WITH THE STANDARDS ESTABLISHED BY THE LAW ENFORCEMENT TRAINING COUNCIL, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY THAT HAS MADE A REPORT SHALL FULLY COOPERATE WITH ANY INVESTIGATION BY THE COUNCIL TO INCLUDE MANDATORY ATTENDANCE BY A REPRESENTATIVE OF THE AGENCY KNOWLEDGEABLE OF THE CIRCUMSTANCES SURROUNDING THE ALLEGATION AT ANY SCHEDULED HEARING, AND TO PROVIDE A PENALTY.

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

SECTION 1. Section 23‑23‑150(A) and (B) of the 1976 Code is amended to read:

“Section 23‑23‑150. (A) For purposes of this section:

(1) ‘Academy’ means the South Carolina Criminal Justice Academy.

(2) ‘Council’ means the Law Enforcement Training Council.

(3) ‘Misconduct’ means:

(a) a conviction, plea of guilty, plea of no contest or admission of guilt to a felony, a crime punishable by a sentence of more than one year, regardless of the sentence actually imposed, or a crime of moral turpitude, any of which were committed in this State or any other jurisdiction;

(b) the unlawful use of a controlled substance;

(c) the repeated use of excessive force in dealing with the public or prisoners;

(d) dangerous or unsafe practices involving firearms, weapons, or vehicles which indicate either a wilful or wanton disregard for the safety of persons or property;

(e) the physical or psychological abuse of members of the public or prisoners;

(f) the misrepresentation of employment‑related information;

(g) wilfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State;

(h) wilfully making false, misleading, incomplete, deceitful, or incorrect statements to any court of competent jurisdiction, or their staff members, whether under oath or not;

(i) wilfully providing false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State;

(j) the falsification of any application for certification and training based upon which the officer was admitted for training; ~~or~~

(k) providing false information to the Criminal Justice Academy; or

(l) wilfully failing to intervene when observing another law enforcement officer not complying with the standards as established by the council.

(B) The sheriff or the chief executive officer of a law enforcement agency or department within the State must report to the academy the occurrence of any act or multiple acts of misconduct by a law enforcement officer which could result in the withdrawal of the certification of the law enforcement officer who is currently or was last employed by his agency. The report shall be made within fifteen days of the final agency or department action resulting from the internal investigation conducted by the agency or department, and shall be on a form prescribed by the council. A law enforcement agency that has made a report under this section shall fully cooperate with any investigation by the council, to include mandatory attendance by a representative of the agency knowledgeable of the circumstances surrounding the allegation at any scheduled hearing. A wilful failure to report information related to acts of misconduct shall subject the violator to a civil penalty as provided by the council. The council may impose civil fines in its discretion not to exceed one thousand dollars per day for each day an agency is out of compliance with this section.”

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

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