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Indicates New Matter

COMMITTEE REPORT

March 20, 2019

**H. 3951**

Introduced by Reps. Clary, McCoy, Tallon, Bryant, Elliott, Martin, Gagnon, Thayer, McCravy and B. Newton

S. Printed 3/20/19--H. [SEC 3/21/19 2:16 PM]

Read the first time February 12, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3951) to amend Section 23‑11‑110, Code of Laws of South Carolina, 1976, relating to the qualifications that a sheriff must possess, so as to provide that, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety, and inserting:

/SECTION 1. Section 23‑11‑110(A) of the 1976 Code is amended to read:

“(A) All sheriffs and candidates for sheriff in this State must have the following qualifications:

(1) be a citizen of the United States;

(2) be a resident of the county in which he seeks the office of sheriff for at least one year immediately preceding the date of the election for sheriff;

(3) be a registered voter;

(4) have attained the age of at least twenty‑one years prior to the date of his qualifying for election to the office;

(5) have:

(a) obtained a high school diploma, its recognized equivalent in educational training as established by the State Department of Education, and have at least five years experience as a Class 1 certified law enforcement officer; or

(b) obtained a two‑year associate degree and three years experience as a Class 1 certified law enforcement officer; or

(c) obtained a four‑year baccalaureate degree and one year~~s~~ experience as a Class 1 certified law enforcement officer~~; or~~

~~(d)~~ ~~served as a summary court judge for at least ten years~~.

For purposes of this section, a ‘Class 1 certified law enforcement officer’ is a person who has been issued a certificate as a Class 1 law enforcement officer ~~pursuant to Section 23‑23‑10~~ by the South Carolina Law Enforcement Training Council. A sheriff holding office on the effective date of this section is not required to have obtained the necessary experience as a certified law enforcement officer in the State;

(6) have not been convicted of, ~~or~~ pled guilty to, or pardoned for a violation of Section 56‑1‑460 or 56‑5‑2930, or both, within the past ten years or a felony in this State or another state; ~~and~~

(7) have not been convicted of, pled guilty to, or been pardoned for a felony or a crime of moral turpitude in this State or another state;

(8) be fingerprinted and have the State Law Enforcement Division make a search of local, state, and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of any law enforcement agency and must be made available to SLED no later than one hundred thirty days prior to the general election. The results of the records search are to be filed with the county executive committee of the person’s political party. A person seeking nomination by petition must file the records search with the county election commission in the county of his residence; and

(9) be eligible to be issued a certificate as a Class 1 law enforcement officer by the South Carolina Law Enforcement Training Council upon the commencement of the term of office. A sheriff holding office on the effective date of this section is exempt from the provisions in this subsection.” /

Renumber sections to conform.

Amend title to conform.

PETER M. MCCOY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 23‑11‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS THAT A SHERIFF MUST POSSESS, SO AS TO PROVIDE THAT THESE QUALIFICATIONS ALSO APPLY TO CANDIDATES WHO WISH TO SERVE AS SHERIFFS, TO MAKE A TECHNICAL CHANGE AND TO PROVIDE ADDITIONAL QUALIFICATIONS.

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

SECTION 1. Section 23‑11‑110(A) of the 1976 Code is amended to read:

“(A) All sheriffs and candidates to serve as sheriff in this State must have the following qualifications:

(1) be a citizen of the United States;

(2) be a resident of the county in which he seeks the office of sheriff for at least one year immediately preceding the date of the election for sheriff;

(3) be a registered voter;

(4) have attained the age of at least twenty‑one years prior to the date of his qualifying for election to the office;

(5) have:

(a) obtained a high school diploma, its recognized equivalent in educational training as established by the State Department of Education, and have at least five years experience as a Class 1 certified law enforcement officer; or

(b) obtained a two‑year associate degree and three years experience as a Class 1 certified law enforcement officer; or

(c) obtained a four‑year baccalaureate degree and one year~~s~~ experience as a Class 1 certified law enforcement officer~~; or~~

~~(d)~~ ~~served as a summary court judge for at least ten years~~.

For purposes of this section, a ‘Class 1 certified law enforcement officer’ is a person who has been issued a certificate as a Class 1 law enforcement officer ~~pursuant to Section 23‑23‑10~~ by the South Carolina Law Enforcement Training Council;

(6) have not been convicted of, ~~or~~ pled guilty to, or pardoned for a violation of Section 56‑1‑460 or 56‑5‑2930, or both, within the past ten years or a felony in this State or another state; ~~and~~

(7) have not been convicted of, pled guilty to, or pardoned for a felony or a crime of moral turpitude in this State or another state;

(8) be fingerprinted and have the State Law Enforcement Division make a search of local, state, and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of any law enforcement agency and must be made available to SLED no later than one hundred thirty days prior to the general election. The results of the records search are to be filed with the county executive committee of the person’s political party. A person seeking nomination by petition must file the records search with the county election commission in the county of his residence; and

(9) be eligible to be issued a certificate as a Class 1 law enforcement officer by the South Carolina Law Enforcement Training Council upon the commencement of the term of office. A sheriff holding office on the effective date of this section is exempt from the provisions in this subsection.”

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

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