**A** **BILL**

TO AMEND SECTION 23‑23‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSE OF THE LAW ENFORCEMENT TRAINING COUNCIL AND THE CRIMINAL JUSTICE ACADEMY, AND THE DEFINITION OF CERTAIN TERMS, SO AS TO PROVIDE FOR ADDITIONAL TERMS AND THEIR DEFINITIONS; AND TO AMEND SECTION 23‑23‑40, RELATING TO BECOMING A CERTIFIED LAW ENFORCEMENT OFFICER, SO AS TO REVISE THE CERTIFICATION PROCESS.

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

SECTION 1. Section 23‑23‑10(E) of the 1976 Code is amended to read:

“(E) As contained in this chapter:

(1) ‘Law enforcement officer’ means an appointed officer or employee hired by and regularly on the payroll of the State or any of its political subdivisions, who is granted statutory authority to enforce all or some of the criminal, traffic, and penal laws of the State and who possesses, with respect to those laws, the power to effect arrests for offenses committed or alleged to have been committed.

(2) ‘Council’ means the South Carolina Law Enforcement Training Council created by this chapter.

(3) ‘Academy’ means the South Carolina Criminal Justice Academy created by this chapter.

(4) ‘Director’ means the Director of the South Carolina Criminal Justice Academy.

(5) ‘PLEA” means public law enforcement agency.

(6) ‘FQP’ means a firearms qualifications program approved by the council.”

SECTION 2. Section 23‑23‑40 of the 1976 Code is amended to read:

“Section 23‑23‑40. (A) ~~No~~ A law enforcement officer employed or appointed on or after July 1, 1989, by ~~any public law enforcement agency~~ a PLEA in this State is not authorized to enforce the laws or ordinances of this State or any political subdivision ~~thereof~~ of it unless:

(1) he has been certified as qualified by the council~~,~~;

(2) within three working days of his start date the PLEA notifies the academy he has been employed by the PLEA as a law enforcement officer;

(3) within three days after that, the PLEA notifies the academy of his successful completion of an FQP; and

(4) the PLEA continues to notify the academy of his successful completion of an FQP each year he is employed by the PLEA.

(B) Except that ~~any public law enforcement agency~~ a PLEA in this State may appoint or employ as a law enforcement officer, a person who is not certified if, within one year after the date of employment or appointment, the person secures certification from the council~~;~~, provided, that ~~if any public law enforcement agency employs or appoints as a law enforcement officer a person who is not certified,~~ the person shall not perform any of the duties of a law enforcement officer involving the control or direction of members of the public or exercising the power of arrest until he has:

(1) successfully completed ~~a firearms qualification program approved by the council; and provided, further, that~~ an FQP, and the PLEA has notified the academy of his completion;

(2) within three working days of employment, the academy ~~must be~~ has been notified by ~~a public law enforcement agency~~ thePLEA that ~~a person~~ he has been employed by that agency as a law enforcement officer~~,~~; and

(3) within three working days of the notice ~~the firearms qualification program as approved by the director must be~~ of employment, the FQP has been provided to ~~the newly hired personnel~~ him. ~~If the firearms qualification program approved by the director is not available within three working days after receipt of the notice, then the public law enforcement agency making the request for the firearms qualification program may employ the person to perform any of the duties of a law enforcement officer, including those involving the control and direction of members of the public and exercising the powers of arrest.~~ After obtaining certification, the person shall not perform any of the duties of a law enforcement officer involving the control or direction of members of the public or exercising the power of arrest unless the PLEA continues to notify the academy of his successful completion of an FQP each year he is employed by the PLEA.

(C) Should ~~any such~~ a person fail to secure certification within one year from his date of employment, he may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until he has been certified. He is not eligible for employment or appointment by any other agency in South Carolina as a law enforcement officer, nor is he eligible for any compensation by any law enforcement agency for services performed as an officer.

(D) Exceptions to the one‑year rule contained in subsection (B) may be granted by the director in these cases:

(1) military leave or injury occurring during that first year which would preclude the receiving of training within the usual period of time; or

(2) in the event of the timely filing of application for training, which application, under circumstances of time and physical limitations, cannot be honored by the training academy within the prescribed period; or

(3) upon presentation of documentary evidence that the officer‑candidate has successfully completed equivalent training in one of the other states which by law regulate and supervise the quality of police training and which require a minimum basic or recruit course of duration and content at least equivalent to that provided in this chapter or by standards set by the council; or

(4) if it is determined by documentary evidence that the training will result in undue hardship to the requesting agency, the requesting agency must propose an alternate training schedule for approval.

Notwithstanding another provision of law, in the case of a candidate for certification who begins one or more periods of state or federal military service within one year after his date of employment or appointment, the period of time within which he must obtain the certification required to become a law enforcement officer is automatically extended for an additional period equal to the aggregate period of time the candidate performed active duty or active duty for training as a member of the National Guard, the State Guard, or a reserve component of the Armed Forces of the United States, plus ninety days. The director must take all necessary and proper action to ensure that a candidate for certification as a law enforcement officer who performs military service within one year of his employment or appointment is not prejudiced in obtaining certification as a result of having performed state or federal military service.

(E) Notifications to the academy required in this section must be provided in the format prescribed by the academy. The academy is authorized to promulgate regulations and enforcement mechanisms to further clarify this section and ensure its compliance throughout the State.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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