COMMITTEE REPORT

March 27, 2019

**S. 480**

Introduced by Senator Alexander

S. Printed 3/27/19--S.

Read the first time February 5, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 480) to amend Article 1, Chapter 3, Title 23 of the 1976 Code, relating to the South Carolina Law Enforcement Division, by adding Section 23-3-90, 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 all after the enacting words and inserting:

/ SECTION 1. Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-90. (A) Notwithstanding any other provision of law, an agency in this State authorized to conduct a state fingerprint-based background check conducted by SLED may also conduct a nationwide federal fingerprint-based background check conducted by the Federal Bureau of Investigation in a manner prescribed by SLED.

(B) SLED, upon request, may submit the fingerprints collected by agencies authorized to conduct state fingerprint-based background checks by SLED to the Federal Bureau of Investigation’s Next Generation Identification (NGI) program.

(C) SLED and the Federal Bureau of Investigation may retain collected fingerprints. Retained fingerprints may be searched by future submissions to SLED and the NGI System, including latent fingerprint searches, and appropriate responses sent to SLED and authorized recipients.

(D) SLED may charge a reasonable fee for the collection and retention of the fingerprints.”

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

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 3, TITLE 23 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, BY ADDING SECTION 23-3-90, TO PROVIDE THAT AN AGENCY AUTHORIZED TO CONDUCT FINGERPRINT BACKGROUND CHECKS IN THIS STATE MAY CONDUCT A FEDERAL FINGERPRINT REVIEW, TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, UPON REQUEST, MAY SUBMIT THE FINGERPRINTS COLLECTED BY AGENCIES AND INFORMATION RELATED TO THOSE PRINTS TO THE FEDERAL BUREAU OF INVESTIGATION’S NEXT GENERATION IDENTIFICATION PROGRAM, TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION AND THE FEDERAL BUREAU OF INVESTIGATION MAY RETAIN COLLECTED FINGERPRINTS AND SEARCH ANY RETAINED FINGERPRINTS AT A LATER DATE PURSUANT TO AN APPROPRIATE INQUIRY, AND TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION MAY CHARGE A REASONABLE FEE FOR THE COLLECTION AND RETENTION OF THE FINGERPRINTS.

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

SECTION 1. Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-90. (A) Notwithstanding any other provision of law, an agency authorized to conduct fingerprint background checks in this State may conduct a federal fingerprint review.

(B) SLED, upon request, may submit the fingerprints collected by agencies authorized to conduct fingerprint background checks or any information regarding the fingerprints stored, including arrests, convictions, dispositions, and warrants, for determinations including, but not limited to, employment, licensing, suitability, certification, and permitting to the Federal Bureau of Investigation’s Next Generation Identification program.

(C) SLED and the Federal Bureau of Investigation may retain collected fingerprints and search any retained fingerprints at a later date pursuant to an appropriate inquiry.

(D) SLED may charge a reasonable fee for the collection and retention of the fingerprints.”

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

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