AS PASSED BY THE SENATE

April 10, 2019

**S. 480**

Introduced by Senator Alexander

S. Printed 4/10/19--S.

Read the first time February 5, 2019.

**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.

Amend Title To Conform

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 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.

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