



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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|------------------------|------------------------------------|--------------------------------|
| <b>Bill Number:</b>    | S. 0128                            | Introduced on January 12, 2021 |
| <b>Author:</b>         | Massey                             |                                |
| <b>Subject:</b>        | Law Enforcement Officer Misconduct |                                |
| <b>Requestor:</b>      | Senate Judiciary                   |                                |
| <b>RFA Analyst(s):</b> | Gardner                            |                                |
| <b>Impact Date:</b>    | July 27, 2021                      |                                |

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### **Fiscal Impact Summary**

This bill expands the definition of law enforcement officer misconduct by adding a provision for the willful failure to intervene when observing another law enforcement officer not complying with officer standards established by the Law Enforcement Training Council (LETC). This bill will have no expenditure impact, because LETC anticipates being able to comply with the requirements of the bill with existing appropriations.

Additionally, this bill gives LETC the authority to implement civil fines for noncompliance of the standards to be established. Any fines that may be collected are considered miscellaneous revenue and are deposited into the agency's Other Funds. However, this bill will have no revenue impact, because LETC does not intend to implement these fines.

### **Explanation of Fiscal Impact**

#### **Introduced on January 12, 2021**

##### **State Expenditure**

This bill expands the definition of law enforcement officer misconduct by adding a provision for the willful failure to intervene when observing another law enforcement officer not complying with officer standards established by LETC. A law enforcement agency that has made a report of misconduct must fully cooperate with any investigation by LETC, and a representative of that agency who is knowledgeable of the circumstances surrounding the allegation must attend any scheduled hearing. LETC may, at its discretion, impose a civil fine not to exceed \$1,000 per day for each day an agency willfully fails to report information related to acts of misconduct. LETC anticipates being able to manage any additional responsibilities required in this bill with existing staff and within existing appropriations. Therefore, this bill will have no expenditure impact.

##### **State Revenue**

The bill enables LETC to take punitive action against any law enforcement agency that refuses to implement and enforce compliance with these standards. Such actions include a civil fine not exceeding \$1,000 per day for each day an agency is out of compliance. LETC anticipates being able to comply with the requirements of this bill with existing appropriations. Therefore, this bill will have no expenditure impact. However, LETC does not anticipate implementing these fines. Therefore, this bill will have no revenue impact.

**Local Expenditure**

N/A

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director