**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 3, TITLE 23 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, BY ADDING SECTION 23-3-90, TO PROVIDE THAT SLED SHALL HAVE SPECIFIC AND EXCLUSIVE JURISDICTION AND AUTHORITY OVER CERTAIN INVESTIGATIONS AND TO PROVIDE EXCEPTIONS, TO PROVIDE FOR SITUATIONS IN WHICH THE SUBJECT OF AN INVESTIGATION IS A SLED OFFICER, TO PROVIDE FOR JURISDICTION, TO PROVIDE THAT THE ATTORNEY GENERAL HAS THE EXCLUSIVE AUTHORITY TO MAKE PROSECUTORIAL DECISIONS AND MUST DO SO WITHIN NINETY DAYS, TO PROVIDE A PENALTY, AND TO DEFINE NECESSARY TERMS.

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) For the purposes of this section:

(1) ‘Council’ means the South Carolina Law Enforcement Training Council.

(2) ‘Great bodily injury’ includes bodily injury that creates a substantial risk of death or that causes serious or permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(3) ‘Unexpected death’ includes all deaths that, before investigation, appear possibly to have been caused by trauma, or suspicious or obscure circumstances.

(B) Except as otherwise provided in this section, SLED shall have specific and exclusive jurisdiction and authority in the investigation of the unexpected death or great bodily injury of:

(1) an arrestee while in the care, custody, or control of a law enforcement or correctional officer;

(2) an arrestee shortly after being released from the care, custody, or control of a law enforcement officer or correctional officer; and

(3) an intended arrestee during an arrest attempt by a law enforcement officer.

(C) If the subject of an investigation is a SLED officer, then the Attorney General shall appoint a law enforcement agency from a list maintained by the council to investigate the unexpected death or great bodily injury. The council shall maintain a list of law enforcement agencies that employ full‑time units that regularly process crime scenes and that conduct forensic and criminal investigations. All forensic evidence collected at the scene of an unexpected death or great bodily injury investigated under this subsection must be submitted to and analyzed by an accredited law enforcement laboratory other than SLED.

(D) An officer investigating an unexpected death or great bodily injury pursuant to this section has the same authority as the officer has in the officer’s home jurisdiction for the duration of the investigation.

(E) Upon completion, all investigations must be forwarded to the South Carolina Attorney General. The Attorney General shall have the exclusive authority to make prosecutorial decisions regarding the investigations contained in this section, provided that a decision must be made within ninety days of receiving the completed investigation.

(F) A circuit court solicitor may request that the Attorney General review any other officer‑involved incident not provided for in this section.

(G) The state grand jury shall have exclusive subject matter jurisdiction over a case accepted for prosecution in subsection (E).

(H) A person who knowingly and willfully violates the provisions of subsection (B) or (C) is subject to punishment as provided for in Section 8‑1‑80, even if the person’s authority extends beyond a single election or judicial district.”

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

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