**A** **BILL**

TO AMEND SECTION 23-23-150(A)(3) OF THE 1976 CODE, RELATING TO THE DEFINITION OF MISCONDUCT, TO PROVIDE THAT IT IS MISCONDUCT FOR AN OFFICER TO WILLFULLY PROVIDE A FALSE, MISLEADING, INCOMPLETE, DECEITFUL, OR INCORRECT STATEMENT ON AN AFFIDAVIT FOR THE PURPOSE OF PROCURING A WARRANT, FOR AN OFFICER TO FAIL TO REPORT WITNESSING OR HAVING KNOWLEDGE OF ANOTHER OFFICER WHO WILLFULLY PROVIDED A FALSE, MISLEADING, INCOMPLETE, DECEITFUL, OR INCORRECT STATEMENT ON AN AFFIDAVIT FOR THE PURPOSE OF PROCURING A WARRANT, OR FOR AN OFFICER TO FAIL TO REPORT OTHER MISCONDUCT.

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

SECTION 1. Section 23-23-150(A)(3) of the 1976 Code is amended to read:

“(3) ‘Misconduct’ means:

(a) a conviction, plea of guilty, plea of no contest or admission of guilt to a felony, a crime punishable by a sentence of more than one year, regardless of the sentence actually imposed, or a crime of moral turpitude, any of which were committed in this State or any other jurisdiction;

(b) the unlawful use of a controlled substance;

(c) the repeated use of excessive force in dealing with the public or prisoners;

(d) dangerous or unsafe practices involving firearms, weapons, or vehicles which indicate either a wilful or wanton disregard for the safety of persons or property;

(e) the physical or psychological abuse of members of the public or prisoners;

(f) the misrepresentation of employment‑related information;

(g) wilfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State;

(h) wilfully making false, misleading, incomplete, deceitful, or incorrect statements to any court of competent jurisdiction, or their staff members, whether under oath or not;

(i) wilfully providing false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State;

(j) the falsification of any application for certification and training based upon which the officer was admitted for training; ~~or~~

(k) providing false information to the Criminal Justice Academy;

(l) willfully providing a false, misleading, incomplete, deceitful, or incorrect statement on an affidavit for the purpose of procuring a warrant;

(m) witnessing or having actual knowledge of another officer willfully providing a false, misleading, incomplete, deceitful, or incorrect statement on an affidavit for the purpose of procuring a warrant and failing to report it; or

(n) an officer’s failure to report another officer if he witnesses any misconduct pursuant to this section.”

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

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