**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑1‑250 SO AS TO PROHIBIT LAW ENFORCEMENT OFFICERS FROM ENGAGING IN USE OF EXCESSIVE FORCE WHEN DETAINING A PERSON OR WHEN MAKING AN ARREST, TO ESTABLISH CRIMINAL PENALTIES, AND FOR OTHER PURPOSES.

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

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

“Section 23‑1‑250. (A) A law enforcement officer may not use greater restraint than is necessary when detaining a person or unreasonable force when making an arrest.

(B) A person who violates this section is guilty of use of excessive force, a felony, and, upon conviction, must be imprisoned for not more than thirty years. Charges pursuant to this section only must be brought by an investigative agency.

(C) In the event that the use of excessive force results in the death of a person, the law enforcement agency investigating the death may not be the employer of the officer accused of use of excessive force.

(D) For purposes of this section:

(1) ‘Use of excessive force’ means the application of force including, but not limited to, in a manner that applies extended or continued pressure to the throat or windpipe, a maneuver that restricts blood or oxygen flow to the brain, or a carotid artery restraint that prevents or hinders breathing or reduces the intake of air by an individual.

(2) ‘Law enforcement officer’ means an officer, deputy, employee, or agent of a state or local law enforcement agency, or an officer, employee, or agent of a state or local detention facility.”

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

‑‑‑‑XX‑‑‑‑