**South Carolina General Assembly**

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**S. 24**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Jackson

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Currently residing in the Senate Committee on **Judiciary**

Summary: Vehicular pursuit

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 24)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 24)

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**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/24_20221130.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23‑23‑160 SO AS TO PROVIDE THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL SHALL ESTABLISH POLICIES, PROCEDURES, AND TRAINING COURSES RELATING TO CIRCUMSTANCES UPON WHICH A LAW ENFORCEMENT OFFICER MAY ENGAGE IN VEHICULAR PURSUITS.

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

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

 Section 23‑23‑160. (A) The South Carolina Law Enforcement Training Council shall establish policies, procedures, and training courses that provide a law enforcement officer may not engage in a vehicular pursuit, unless:

 (1) there is probable cause to believe that a person in the vehicle has committed or is committing a violent crime or sex offense, or an escape from a detention or correctional facility;

 (2) there is reasonable suspicion a person in the vehicle has committed or is committing a driving under the influence of alcohol, drugs, or another illegal substance offense;

 (3) the pursuit is necessary for the purpose of identifying or apprehending a person; or

 (4) the driver poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the driver are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; and

 (5) except as provided in subsection (B), the officer has received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit. The officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider the justification for the vehicular pursuit and other safety considerations including, but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met.

 (B) For jurisdictions with fewer than ten commissioned officers, if a supervisor is not on duty at the time, the officer must request the on‑call supervisor be notified of the pursuit according to the law enforcement agency’s procedures. The officer must consider alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations including, but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.

 (C) A pursuing officer shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

 (D) A law enforcement officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator’s or a passenger’s use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

 (E) For purposes of this section, “vehicular pursuit” means an attempt by a uniformed law enforcement officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be wilfully resisting or ignoring the officer’s attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

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

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