**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3413**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Wooten and Pope

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Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Law Enforcement

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Ways and Means**

1/10/2023 House Introduced and read first time ([House Journal‑page 161](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Ways and Means** ([House Journal‑page 161](h:\hj\20230110.docx))

1/31/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3413_20221208.docx)

[01/31/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3413_20230131.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 6-1-320, relating to Millage rate increase limitations WITH exceptions, so as to PROVIDE THE MILLAGE RATE LIMITATION MAY BE SUSPENDED AND THE MILLAGE RATE MAY BE INCREASED TO PURCHASE EQUIPMENT AND MAKE EXPENDITURES TO IMPROVE LAW ENFORCEMENT, FIRE RESCUE, AND EMERGENCY MEDICAL RESPONSE, AND FOR OTHER PURPOSES; BY ADDING SECTION 23-1-260 SO AS TO PROVIDE THE MINIMUM SALARY FOR CERTAIN STATE OR LOCAL LAW ENFORCEMENT OFFICERS; BY ADDING SECTION 23-3-90 SO AS TO PROVIDE THE GENERAL ASSEMBLY MUST APPROPRIATE FUNDS TO THE STATE LAW ENFORCEMENT DIVISION FOR POST- TRAUMATIC STRESS DISORDER RESULTING FROM LAW ENFORCEMENT ACTIVITIES; TO AMEND SECTION 23-1-240, RELATING TO BODY-WORN CAMERAS, SO AS TO REQUIRE THE GENERAL ASSEMBLY TO FUND THE BODY-WORN CAMERA FUND PROGRAM; and BY ADDING SECTION 23-23-170 SO AS TO PROVIDE ALL OTHER FUNDS COLLECTED BY THE LAW ENFORCEMENT TRAINING COUNCIL AND THE CRIMINAL JUSTICE ACADEMY MUST BE REMITTED TO THE GENERAL FUND IF THE LAW ENFORCEMENT TRAINING COUNCIL IS APPROPRIATED A CERTAIN AMOUNT OF GENERAL FUNDS.

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

SECTION 1. Section 6‑1‑320(B) of the S.C. Code is amended to read:

(B) Notwithstanding the limitation upon millage rate increases contained in subsection (A), the millage rate limitation may be suspended and the millage rate may be increased upon a two‑thirds vote of the membership of the local governing body for the following purposes:

(1) the deficiency of the preceding year;

(2) any catastrophic event outside the control of the governing body such as a natural disaster, severe weather event, act of God, or act of terrorism, fire, war, or riot;

(3) compliance with a court order or decree;

(4) taxpayer closure due to circumstances outside the control of the governing body that decreases by ten percent or more the amount of revenue payable to the taxing jurisdiction in the preceding year; or

(5) compliance with a regulation promulgated or statute enacted by the federal or state government after the ratification date of this section for which an appropriation or a method for obtaining an appropriation is not provided by the federal or state government.

(6) purchase by the local governing body of undeveloped real property or of the residential development rights in undeveloped real property near an operating United States military base which property has been identified as suitable for residential development but which residential development would constitute undesirable residential encroachment upon the United States military base as determined by the local governing body. The local governing body shall enact an ordinance authorizing such purchase and the ordinance must state the nature and extent of the potential residential encroachment, how the purchased property or development rights would be used and specifically how and why this use would be beneficial to the United States military base, and what the impact would be to the United States military base if such purchase were not made. Millage rate increases for the purpose of such purchase must be separately stated on each tax bill and must specify the property, or the development rights to be purchased, the amount to be collected for such purchase, and the length of time that the millage rate increase will be in effect. The millage rate increase must reasonably relate to the purchase price and must be rescinded five years after it was placed in effect or when the amount specified to be collected is collected, whichever occurs first. The millage rate increase for such purchase may not be reinstated unless approved by a majority of the qualified voters of the governmental entity voting in a referendum. The cost of holding the referendum must be paid from the taxes collected due to the increased millage rate; or

(7) to purchase capital equipment and make expenditures related to the installation, operation, and purchase of the capital equipment including, but not limited to, taxes, duty, transportation, delivery, and transit insurance, in a county having a population of less than one hundred thousand persons and having at least forty thousand acres of state or national forest land. For purposes of this section, “capital equipment” means an article of nonexpendable, tangible, personal property, to include communication software when purchased with a computer, having a useful life of more than one year and an acquisition cost of fifty thousand dollars or more for each unit; or

(8) to purchase equipment and make expenditures to improve publicly funded law enforcement, fire rescue, and emergency medical response, and to comply with statutory requirements, including Sections 23-1-260 and 23-23-85. For purposes of this section, “expenditures” include salary and benefit increases for individuals tasked with providing public safety.

If a tax is levied to pay for items (1) through (5) above, then the amount of tax for each taxpayer must be listed on the tax statement as a separate surcharge, for each aforementioned applicable item, and not be included with a general millage increase. Each separate surcharge must have an explanation of the reason for the surcharge. The surcharge must be continued only for the years necessary to pay for the deficiency, for the catastrophic event, or for compliance with the court order or decree.

SECTION 2. Chapter 1, Title 23 of the S.C. Code is amended by adding:

Section 23-1-260. Beginning in Fiscal Year 2021-2022, the minimum annual salary a state or local full-time Class 1 will receive is an amount equal to seventeen and one half percent of the salary fixed for Associate Justices of the South Carolina Supreme Court.

SECTION 3. Article 1, Chapter 3, Title 23 of the S.C. Code is amended by adding:

Section 23‑3‑90. Each year in the annual general appropriations act, the General Assembly shall appropriate at least two hundred fifty thousand dollars to the State Law Enforcement Division for post traumatic stress disorder (PTSD) resulting from law enforcement activities. SLED may engage the South Carolina Law Enforcement Assistance Program to reimburse state or local law enforcement officers who incur mental injury as a result of a critical incident during the scope of employment, for actual out-of-pocket expenses not covered through the workers’ compensation claims and other insurance, and to provide services.

SECTION 4. Section 23-1-240 of the S.C. Code is amended by adding a subsection to read:

(H) Each year in the annual general appropriations act, the General Assembly shall appropriate to the body worn camera fund sufficient funds to fully implement and maintain the program set forth in this section.

SECTION 5. Chapter 23, Title 23 of the S.C. Code is amended by adding:

Section 23-23-170. Notwithstanding any other provision of law, beginning in Fiscal Year 2023‑2024, each year in the annual general appropriations act, the General Assembly shall appropriate to the Law Enforcement Training Council general fund dollars equal to at least the amount of general fund dollars and authorized other funds in Fiscal Year 2021‑2022. In any fiscal year in which appropriations meet the requirements of this section, any funds collected by the Law Enforcement Training Council or Criminal Justice Academy must be remitted to the general fund.

SECTION 6. SECTION 1 of this act takes effect upon approval by the Governor. SECTIONS 2, 3, 4, and 5 take effect upon approval by the Governor and are contingent upon funding in the general appropriations act.

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