**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4387**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Yow, B. Newton and Mitchell

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Introduced in the House on April 23, 2025

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

Summary: Law Enforcement Officer Misconduct

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/23/2025 House Introduced and read first time (House Journal‑page 51)

 4/23/2025 House Referred to Committee on **Judiciary** (House Journal‑page 51)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4387&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/23/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4387_20250423.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23‑23‑150, RELATING TO ADJUDICATION OF ALLEGATIONS OF LAW ENFORCEMENT OFFICER MISCONDUCT REPORTED TO THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, SO AS TO LIMIT PROSECUTORiAL DISCRETION FOR CERTAIN INCIDENCES OF MISCONDUCT, TO PROVIDE ADDITIONAL INFORMATION THAT MUST BE INCLUDED IN LAW ENFORCEMENT AGENCIES’ WRITTEN REPORTS WHEN THE AGENCIES DECLINE TO PROSCRCUTE ALLEGATIONS OF MISCONDUCT, AND TO PROVIDE AGENCY HEADS MUST EXPLAIN WHY THEY BELIEVE THE ALLEGATIONS CAN NO LONGER BE PROVEN.

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

SECTION 1. Section 23‑23‑150(B) of the S.C. Code is amended to read:

 (B)(1) The sheriff or the chief executive officer of a law enforcement agency or department within the State must report to the academy the occurrence of any act or multiple acts by a law enforcement officer, who is currently or was last employed by his agency, he reasonably believes to be misconduct. The report shall be made within fifteen days of the final agency or department action resulting from the internal investigation conducted by the agency or department, and shall be on a form prescribed by the council.

 (2) Reported incidences of misconduct shall be prosecuted by the reporting agency before the contested case hearing. The reporting agency does not have the right of prosecutorial discretion to the allegations of subsection (A)(3)(g)-(m). As for all other subsections, prosecutorial discretion is limited to allegations of misconduct that can no longer be proven by the preponderance of evidence. The reporting agency shall maintain prosecutorial discretion up to the time of the contested case hearing. If the agency declines to prosecute the allegation or allegations of misconduct, the agency shall provide a written report to the council stating that the case is not being prosecuted and stating in detail the reasons why the agency believes the allegation can no longer be proven by the preponderance of evidence. The agency head shall appear at the next council meeting to explain why the agency believes the allegation can no longer be proven by the preponderance of evidence.

 (3) A wilful failure to report information related to acts of misconduct shall subject the violator to a civil penalty as provided by the council. The council may impose civil fines, in its discretion, not to exceed five hundred dollars per day for each day an agency is out of compliance with this section.

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

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