**South Carolina General Assembly**

121st Session, 2015-2016

**A222, R253, H3653**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pope, Quinn, Huggins, Allison, Spires, Hardee, Gagnon, Yow, Stavrinakis, H.A. Crawford, Kirby, McEachern, Anthony, Corley, Bales, Kennedy, Erickson, Hosey, Whitmire, Crosby, Southard, Tallon, McCoy, Burns, Atwater, Ballentine, Bannister, Bedingfield, Bernstein, R.L. Brown, Chumley, Clary, Collins, Felder, Finlay, Forrester, Funderburk, Gambrell, Hamilton, Herbkersman, Hicks, Hiott, Hixon, Hodges, Loftis, Long, V.S. Moss, Norman, Norrell, Pitts, Ridgeway, Riley, Sandifer, Simrill, G.R. Smith, Taylor, Thayer, Toole, Weeks, Wells, Willis, Mitchell, W.J. McLeod and Rivers

Document Path: l:\council\bills\swb\5225cm15.docx

Companion/Similar bill(s): 302

Introduced in the House on February 12, 2015

Introduced in the Senate on February 16, 2016

Last Amended on May 18, 2016

Passed by the General Assembly on May 26, 2016

Governor's Action: June 3, 2016, Signed

Summary: Law enforcement officer transfers

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/12/2015 House Introduced and read first time ([House Journal‑page 44](file:///h%3A%5CHJ%20Archive%5C2015%5C02-12-15.docx))

 2/12/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 44](file:///h%3A%5CHJ%20Archive%5C2015%5C02-12-15.docx))

 2/4/2016 House Member(s) request name added as sponsor: Mitchell

 2/10/2016 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 33](file:///h%3A%5CHJ%20Archive%5C2016%5C02-10-16.docx))

 2/11/2016 House Member(s) request name added as sponsor: W.J.McLeod, Rivers

 2/11/2016 House Amended ([House Journal‑page 72](file:///h%3A%5CHJ%20Archive%5C2016%5C02-11-16.docx))

 2/11/2016 House Read second time ([House Journal‑page 72](file:///h%3A%5CHJ%20Archive%5C2016%5C02-11-16.docx))

 2/11/2016 House Roll call Yeas‑96 Nays‑0 ([House Journal‑page 77](file:///h%3A%5CHJ%20Archive%5C2016%5C02-11-16.docx))

 2/11/2016 House Unanimous consent for third reading on next legislative day ([House Journal‑page 78](file:///h%3A%5CHJ%20Archive%5C2016%5C02-11-16.docx))

 2/12/2016 House Read third time and sent to Senate ([House Journal‑page 5](file:///h%3A%5CHJ%20Archive%5C2016%5C02-12-16.docx))

 2/16/2016 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h%3A%5CSJ%20Archive%5C2016%5C02-16-16.docx))

 2/16/2016 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](file:///h%3A%5CSJ%20Archive%5C2016%5C02-16-16.docx))

 2/18/2016 Senate Referred to Subcommittee: Malloy (ch), Campsen, Hembree, McElveen, Turner

 4/20/2016 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 8](file:///h%3A%5CSJ%20Archive%5C2016%5C04-20-16.docx))

 4/21/2016 Scrivener's error corrected

 5/12/2016 Senate Committee Amendment Adopted ([Senate Journal‑page 19](file:///h%3A%5CSJ%20Archive%5C2016%5C05-12-16.docx))

 5/12/2016 Senate Read second time ([Senate Journal‑page 19](file:///h%3A%5CSJ%20Archive%5C2016%5C05-12-16.docx))

 5/12/2016 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 19](file:///h%3A%5CSJ%20Archive%5C2016%5C05-12-16.docx))

 5/16/2016 Scrivener's error corrected

 5/18/2016 Senate Amended ([Senate Journal‑page 37](file:///h%3A%5CSJ%20Archive%5C2016%5C05-18-16.docx))

 5/18/2016 Senate Read third time and returned to House with amendments ([Senate Journal‑page 37](file:///h%3A%5CSJ%20Archive%5C2016%5C05-18-16.docx))

 5/26/2016 House Concurred in Senate amendment and enrolled ([House Journal‑page 50](file:///h%3A%5CHJ%20Archive%5C2016%5C05-26-16.docx))

 5/26/2016 House Roll call Yeas‑85 Nays‑0 ([House Journal‑page 51](file:///h%3A%5CHJ%20Archive%5C2016%5C05-26-16.docx))

 6/2/2016 Ratified R 253

 6/3/2016 Signed By Governor

 6/9/2016 Effective date 06/03/16

 6/9/2016 Act No. 222

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3653&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/12/2015](file:///p%3A%5Cpprever%5C2015-16%5C3653_20150212.docx)

[2/10/2016](file:///p%3A%5Cpprever%5C2015-16%5C3653_20160210.docx)

[2/11/2016](file:///p%3A%5Cpprever%5C2015-16%5C3653_20160211.docx)

[2/16/2016](file:///p%3A%5Cpprever%5C2015-16%5C3653_20160216.docx)

[4/20/2016](file:///p%3A%5Cpprever%5C2015-16%5C3653_20160420.docx)

[4/21/2016](file:///p%3A%5Cpprever%5C2015-16%5C3653_20160421.docx)

[5/12/2016](file:///p%3A%5Cpprever%5C2015-16%5C3653_20160512.docx)

[5/16/2016](file:///p%3A%5Cpprever%5C2015-16%5C3653_20160516.docx)

[5/18/2016](file:///p%3A%5Cpprever%5C2015-16%5C3653_20160518.docx)

(A222, R253, H3653)

**AN ACT TO AMEND CHAPTER 20, TITLE 23, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LAW ENFORCEMENT ASSISTANCE AND SUPPORT ACT, SO AS TO REVISE THE DEFINITION FOR THE TERM “LAW ENFORCEMENT AGENCY” AND THE TERM “LAW ENFORCEMENT SERVICES”, TO PROVIDE A DEFINITION FOR THE TERM “MUTUAL AID AGREEMENT”, TO DELETE THE PROVISION THAT ALLOWS LAW ENFORCEMENT AGENCIES TO ENTER INTO CONTRACTUAL AGREEMENTS TO PROVIDE LAW ENFORCEMENT SERVICES, TO ALLOW POLITICAL SUBDIVISIONS TO ENTER INTO MUTUAL AID AGREEMENTS TO PROVIDE LAW ENFORCEMENT SERVICES, TO PROVIDE FOR THE CONTENT OF A MUTUAL AID AGREEMENT, TO SPECIFY THE OFFICIALS WHO MAY ENTER INTO AND ENFORCE A MUTUAL AID AGREEMENT, TO PROVIDE FOR THE LEGAL RIGHTS, POWERS, AND DUTIES OF LAW ENFORCEMENT OFFICERS WHO PARTICIPATE IN A MUTUAL AID AGREEMENT, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTIONS 23-1-210, 23-1-215, AND 23-20-50 RELATING TO A LAW ENFORCEMENT AGENCY TRANSFERRING AN OFFICER TO ANOTHER LAW ENFORCEMENT AGENCY, AGREEMENTS BETWEEN LAW ENFORCEMENT AGENCIES TO TRANSFER OFFICERS BETWEEN AGENCIES TO INVESTIGATE CRIME, AND THE APPROVAL OF CONTRACTS ENTERED INTO UNDER THE LAW ENFORCEMENT ASSISTANCE AND SUPPORT ACT.**

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

**Law Enforcement Assistance Support Act**

SECTION 1. Chapter 20, Title 23 of the 1976 Code is amended to read:

“CHAPTER 20

Law Enforcement Assistance and Support Act

 Section 23‑20‑10. This chapter may be cited as the ‘Law Enforcement Assistance and Support Act’.

 Section 23‑20‑20. As used in this chapter:

 (1) ‘Law enforcement agency’ means any state, county, municipal, or local law enforcement authority that enters into an agreement for the procurement of law enforcement support services.

 (2) ‘Law enforcement provider’ means any in‑state or out‑of‑state law enforcement authority that provides law enforcement services to a law enforcement agency pursuant to this chapter.

 (3) ‘Law enforcement services’ means any law enforcement assistance or service performed by a certified law enforcement officer.

 (4) ‘Mutual aid agreement’ means any agreement entered into on behalf of a law enforcement agency in this State for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines, including, but not limited to, multijurisdictional task forces, criminal investigations, patrol services, crowd control, traffic control and safety, and other emergency service situations. Such agreements must not be permitted for the sole purpose of speed enforcement.

 Section 23‑20‑30. (A) Any county, incorporated municipality, or other political subdivision of this State may enter into mutual aid agreements as may be necessary for the proper and prudent exercise of public safety functions. All agreements must adhere to the requirements contained in Section 23‑20‑40.

 (B) Nothing in this chapter may be construed to alter, amend, or affect any rights, duties, or responsibilities of law enforcement authorities established by South Carolina’s constitutional or statutory laws or established by the ordinances of South Carolina’s political subdivisions, except as expressly provided for in this chapter.

 Section 23‑20‑40. (A) All mutual aid agreements for law enforcement services must be in writing and include, but may not be limited to, the following:

 (1) a statement of the specific services to be provided;

 (2) specific language dealing with financial agreements between the parties;

 (3) specification of the records to be maintained concerning the performance of services to be provided to the agency;

 (4) language dealing with the duration, modification, and termination of the agreement;

 (5) specific language dealing with the legal contingencies for any lawsuits or the payment of damages that arise from the provided services;

 (6) a stipulation as to which law enforcement authority maintains control over the law enforcement provider’s personnel;

 (7) specific arrangements for the use of equipment and facilities; and

 (8) specific language dealing with the processing of requests for information pursuant to the Freedom of Information Act for public safety functions performed or arising under these agreements.

 (B) Except as provided in subsection (C), a mutual aid agreement entered into on behalf of a law enforcement authority must be approved by the appropriate governing bodies of each concerned county, incorporated municipality, or other political subdivision of this State. Agreements entered into are executed between governing bodies, and, therefore, may last until the agreement is terminated by a participating party of the agreement.

 (C) An elected official whose office was created by the Constitution or by general law of this State is not required to seek approval from the elected official’s governing body in order to participate in mutual aid agreements.

 (D) Provided the conditions and terms of the mutual aid agreements are followed, the chief executive officers of the law enforcement agencies in the concerned counties, incorporated municipalities, or other political subdivisions have the authority to send and receive such resources, including personnel, as may be needed to maintain the public peace and welfare.

 (E) The officers of the law enforcement provider have the same legal rights, powers, and duties to enforce the laws of this State as the law enforcement agency requesting the services.

 Section 23‑20‑60. The Governor, upon the request of a law enforcement authority or in his discretion, may by executive order, waive the requirement for a written agreement for law enforcement services required by this chapter during a natural disaster or other emergency affecting public safety.”

**Repeal**

SECTION 2. Sections 23‑1‑210, 23‑1‑215, and 23‑20‑50 of the 1976 Code are repealed.

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 2nd day of June, 2016.

Approved the 3rd day of June, 2016.

\_\_\_\_\_\_\_\_\_\_