**A** **BILL**

TO AMEND CHAPTER 1, TITLE 23, SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 23-1-242 RELATING TO LAW ENFORCEMENT BODY WORN CAMERAS, TO PROHIBIT THE DELETION OR DESTRUCTION OF THE DATA FROM A BODY-WORN CAMERA WITH THE INTENT TO ALTER OR INFLUENCE A CRIMINAL ACTION, CRIMINAL INVESTIGATION, AN INTERNAL POLICE INVESTIGATION, A CIVIL ACTION OR POTENTIAL CIVIL ACTION IF NOTICE IS PROVIDED BY THE ADVERSE PARTY, OR IF LITIGATION IS REASONABLY ANTICIPATED, AND TO PROVIDE PENALTIES; TO PROVIDE THAT THE PROVISIONS OF THIS SECTION DO NOT APPLY TO PERSONS FOLLOWING THE POLICIES AND PROCEDURES ESTABLISHED BY THE AGENCY OR THE LAW ENFORCEMENT TRAINING COUNCIL; AND TO AMEND SECTION 23-1-240(D) TO PROVIDE FOR THE CIRCUMSTANCES IN WHICH THE POLICY AND PROCEDURES ESTABLISHED BY THE AGENCIES MUST INCLUDE FOR THE ACTIVATION OF THE RECORDINGS, TO INCLUDE ACTIVATION AT THE SCENE OF VIOLENT CRIMES, TRAFFIC STOPS, ACCIDENT INVESTIGATIONS, PUBLIC DRUNKENNESS, PERSONS COMMITTING DISORDERLY CONDUCT, ARRESTS, CONTACT WITH EMOTIONALLY DISTURBED PERSONS, OR INCIDENTS WITH WEAPONS, THE USE OF FORCE, OR ADVERSARIAL CONTACT.

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 23-1-242 (A) It is unlawful for a person to delete, destroy, fail to preserve, or alter in a way that would compromise its evidentiary value, the data from a body-worn camera as required by Section 23-1-240 with the intent to alter or influence the outcome of a criminal action, a criminal investigation, an internal police investigation, a civil proceeding, or a potential civil proceeding if notice is provided by the adverse party or if an investigation or litigation is reasonably anticipated.

(B) A person who violates a provision of this section is guilty of a misdemeanor and upon conviction must be fined in the discretion of the court, or imprisoned for not more than one year, or both.

(C) The provisions of this section do not apply to any individual who reasonably follows the policies and procedures for body worn camera data established by the law enforcement agency or the South Carolina Law Enforcement Training Council, or the deletion or destruction occurs after the conclusion of the related criminal or civil actions.”

SECTION 2. Section 23-1-240(D) of the 1976 Code, last amended by Act 71 of 2015, is amended to read:

“(D) State and local law enforcement agencies shall develop policies and procedures for the use of body-worn cameras pursuant to the guidelines established by the Law Enforcement Training Council. The agencies shall submit the policies and procedures to the Law Enforcement Training Council within two hundred seventy days of the effective date of this act. The Law Enforcement Training Council shall review and approve or disapprove of the policies and procedures. If the Law Enforcement Training Council disapproves of the policies and procedures, the law enforcement agency shall modify and resubmit the policies and procedures. The Law Enforcement Training Council, by three hundred sixty days from the effective date of this section, shall submit a report to the General Assembly which must include recommendations for statutory provisions necessary to ensure the provisions of this section are appropriately and efficiently managed and carried out and the fiscal impact associated with the use of body-worn cameras as required by this section, updated continuously as necessary. The policies and procedures must include the requirement that body-worn cameras must be activated in a reasonable timeframe when a uniformed officer arrives at a call for service or initiates any other law enforcement or investigative encounter between an officer and a member of the public, including, but not limited to: on the scene of all violent crimes; traffic stops; motor vehicle accident investigations when the parties to the motor vehicle accident are present; contact with suspicious persons; public drunkenness; persons committing public disorderly conduct; field contacts; arrests; contact with emotionally disturbed persons; incidents where weapons are present or alleged to be present; incidents that could involve the use of force; or an adversarial contact or a potentially adversarial contact.”

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

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