**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4813**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Wooten, W. Newton and Caskey

Document Path: LC-0460CM24.docx

Introduced in the House on January 10, 2024

Introduced in the Senate on March 26, 2024

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

Summary: Law enforcement

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/10/2024 House Introduced and read first time ([House Journal‑page 36](h:\hj\20240110.docx))

1/10/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 36](h:\hj\20240110.docx))

3/6/2024 House Committee report: Favorable **Judiciary** ([House Journal‑page 10](h:\hj\20240306.docx))

3/19/2024 House Member(s) request name added as sponsor: Caskey

3/20/2024 House Read second time ([House Journal‑page 54](h:\hj\20240320.docx))

3/20/2024 House Roll call Yeas-103 Nays-0 ([House Journal‑page 55](h:\hj\20240320.docx))

3/21/2024 House Read third time and sent to Senate ([House Journal‑page 32](h:\hj\20240321.docx))

3/26/2024 Senate Introduced and read first time ([Senate Journal‑page 9](h:\sj\20240326.docx))

3/26/2024 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 9](h:\sj\20240326.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4813&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/10/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4813_20240110.docx)

[03/06/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4813_20240306.docx)

Committee Report

March 06, 2024

H. 4813

Introduced by Reps. Wooten and W. Newton

S. Printed 03/06/24--H.

Read the first time January 10, 2024

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The committee on House Judiciary

To whom was referred a Bill (H. 4813) to amend the South Carolina Code of Laws by amending Section 23-23-60, relating to Certificates of Compliance issued by the South Carolina Law Enforcement Training, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass:

W. NEWTON for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill requires that a person seeking certification as a law enforcement officer in the state undergo a state criminal records check, including a fingerprint check to be conducted by both SLED and the FBI. SLED is authorized to retain these fingerprints for certification purposes and for notification of the Criminal Justice Academy regarding criminal charges. Both SLED and the FBI may retain the fingerprints for future submissions to the Next Generation Identification program and for latent fingerprint searches. The results of the fingerprint searches must be reported to the Criminal Justice Academy without further dissemination. Individuals seeking certification must bear the cost of the fingerprint checks.

Criminal Justice Academy. Currently, the Criminal Justice Academy pays these fees at a rate of $38.25 per candidate ($25 for a state criminal history check, plus $13.25 for a national criminal history check). Approximately 2,800 candidates apply for certification with the Criminal Justice Academy each year. Provided that SLED lists the Academy as a non-criminal justice agency, the passage of the bill will save the Academy approximately $107,100 beginning in FY 2024-25.

State Law Enforcement Division. SLED anticipates being able to manage the responsibilities resulting from the bill with existing staff and within existing appropriations. Therefore, this bill will have no expenditure impact for SLED.

State Revenue

This bill will have no General Fund or Other Funds revenue impact due to the shift in the cost of background checks from the Academy to the applicant. For information, SLED previously indicated on similar legislation that the total cost for a criminal records search is $51.75, of which $25 is retained by SLED. The vendor, Identogo, receives $13.50, and the remainder of the fee, $13.25, is remitted to the FBI. Pursuant to Section 23-3-115(A), revenue generated by criminal records checks performed by SLED up to an amount of $4,461,000 must be deposited in the General Fund; any revenue over that amount is retained by SLED. The current three-year average in fees collected for background checks totals approximately $17,147,000, of which $4,461,000 is deposited to the General and the remainder is kept by SLED.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-23-60, relating to certificates of compliance issued by the south carolina law enforcement training council, so as to provide individuals seeking certification must undergo criminal records checks, to provide sled and the fbi may retain the individuals’ fingerprints for various purposes, and to provide the individuals shall be responsible for the costs of the records checks.

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

SECTION 1. Section 23-23-60 of the S.C. Code is amended by adding:

(E) An individual seeking certification pursuant to this section shall undergo a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division (SLED), and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation (FBI). SLED is authorized to retain the fingerprints for certification purposes and for notification of the academy regarding criminal charges. Both SLED and the FBI may retain the applicant's fingerprints for future submission to the Next Generation Identification program and for latent fingerprint searches. The results of these criminal records checks must be reported to the academy and cannot be further disseminated. Any cost associated with the state and federal criminal history background checks, supported by fingerprints, shall be the responsibility of the individual seeking certification.

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

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