

## Session 116 - (2005-2006)

### H 4682 General Bill, By Harrison, Funderburk and Brady

#### *Similar (S 1116)*

**Summary:** Special investigative unit established within SLED

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10, CHAPTER 3, TITLE 23 SO AS TO ESTABLISH THE SPECIAL INVESTIGATIONS UNIT WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO INVESTIGATE ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS AND VULNERABLE ADULT FATALITIES; TO AMEND SECTION 43-35-10, AS AMENDED, RELATING TO THE DEFINITION OF TERMS IN THE OMNIBUS ADULT PROTECTION ACT, SO AS TO REVISE THE DEFINITION OF FACILITIES TO INCLUDE RESIDENTIAL PROGRAMS OPERATED BY, OR CONTRACTED WITH, THE DEPARTMENT OF MENTAL HEALTH, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, OR LOCAL DISABILITIES BOARDS, AND THE DEFINITION OF "INVESTIGATIVE ENTITY" TO INCLUDE THE SPECIAL INVESTIGATIONS UNIT IN THE STATE LAW ENFORCEMENT DIVISION; TO AMEND SECTION 43-35-15, RELATING TO THE DUTIES AND PROCEDURES OF INVESTIGATIVE ENTITIES IN CONNECTION WITH ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS, SO AS TO PROVIDE THAT THE SPECIAL INVESTIGATIONS UNIT SHALL RECEIVE REPORTS OF ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS IN FACILITIES OPERATED BY, OR CONTRACTED WITH, THE DEPARTMENT OF MENTAL HEALTH, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, OR LOCAL DISABILITIES BOARDS, TO CLARIFY THE INVESTIGATIVE RESPONSIBILITIES OF THE LONG TERM CARE OMBUDSMAN AND THE ADULT PROTECTIVE SERVICES PROGRAM AT THE DEPARTMENT OF SOCIAL SERVICES, AND TO FURTHER PROVIDE FOR THE INVESTIGATION OF THESE INCIDENTS; TO AMEND SECTION 43-35-20, RELATING TO ADDITIONAL POWERS OF INVESTIGATIVE ENTITIES, SO AS TO PROVIDE THAT THESE ENTITIES HAVE ACCESS TO FACILITIES AS PERMITTED BY LAW; TO AMEND SECTION 43-35-25, RELATING TO PERSONS REQUIRED TO REPORT ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS, SO AS TO FURTHER CLARIFY THESE REPORTING RESPONSIBILITIES AND TO REQUIRE INCIDENTS INVOLVING CRIMINAL INTENT TO BE REPORTED TO LAW ENFORCEMENT; TO AMEND SECTION 43-35-35, RELATING TO REPORTING VULNERABLE ADULT DEATHS BELIEVED TO HAVE RESULTED FROM ABUSE OR NEGLECT, SO AS TO PROVIDE THAT ALL DEATHS OF A VULNERABLE ADULT IN FACILITIES OPERATED BY, OR CONTRACTED WITH, THE DEPARTMENT OF MENTAL HEALTH, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, OR A LOCAL DISABILITIES BOARD MUST BE REPORTED TO THE SPECIAL INVESTIGATIONS UNIT; TO AMEND SECTION 43-35-40, RELATING TO INVESTIGATIVE ENTITIES REPORTING INCIDENTS INVOLVING CRIMINAL INTENT TO LAW ENFORCEMENT, SO AS TO FURTHER CLARIFY THIS REPORTING REQUIREMENT; TO AMEND SECTION 43-35-65, RELATING TO NOTICES REQUIRED TO BE PLACED IN FACILITIES CONCERNING DUTIES OF FACILITY PERSONNEL, SO AS TO REQUIRE THESE NOTICES TO CONTAIN E-MAIL ADDRESSES AND FAX NUMBERS OF THE LONG TERM CARE OMBUDSMAN PROGRAM, THE SPECIAL INVESTIGATIONS UNIT, AND LAW ENFORCEMENT; TO AMEND SECTION 43-35-80, RELATING TO ACTIONS OF THE ATTORNEY GENERAL AGAINST A PERSON OR FACILITY FOR FAILING TO EXERCISE REASONABLE CARE IN OPERATING A FACILITY FOR VULNERABLE ADULTS, SO AS TO PROVIDE THAT REFERRALS FOR SUCH ACTIONS MAY ALSO BE MADE BY THE SPECIAL INVESTIGATIONS UNIT; TO ADD ARTICLE 5 TO CHAPTER 35, TITLE 43 SO AS TO FURTHER PROVIDE FOR THE POWERS AND DUTIES OF THE SPECIAL INVESTIGATIONS UNIT IN THE INVESTIGATION OF VULNERABLE ADULT FATALITIES AND TO ESTABLISH THE VULNERABLE ADULT FATALITIES REVIEW COMMITTEE AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES; TO ADD SECTION 17-5-555 SO AS TO REQUIRE THE CORONER OR MEDICAL EXAMINER TO REPORT THE DEATH OF A VULNERABLE ADULT TO THE SPECIAL INVESTIGATIONS UNIT UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 44-7-2910, AS AMENDED, RELATING TO CRIMINAL RECORDS CHECKS FOR DIRECT CAREGIVERS, SO AS TO REQUIRE THESE RECORDS CHECKS ON DIRECT CAREGIVERS IN RESIDENTIAL PROGRAMS OPERATED BY, OR CONTRACTED WITH, THE DEPARTMENT OF MENTAL HEALTH, THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, AND LOCAL DISABILITIES BOARDS.

**02/21/06 House Introduced and read first time HJ-90**

**02/21/06 House Referred to Committee on Judiciary HJ-92**

**03/08/06 House Member(s) request name added as sponsor: Funderburk**

**04/05/06 House Member(s) request name added as sponsor: Brady**