**South Carolina General Assembly**

118th Session, 2009-2010

**A168, R198, H4248**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Horne, Allison, Daning, Long, Littlejohn, Wylie, Gunn, Ballentine, Clemmons and Loftis

Document Path: l:\council\bills\agm\19533bh10.docx

Companion/Similar bill(s): 953, 978

Introduced in the House on January 12, 2010

Introduced in the Senate on March 9, 2010

Last Amended on March 30, 2010

Passed by the General Assembly on April 20, 2010

Governor's Action: May 11, 2010, Signed

Summary: Substitute teachers

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/15/2009 House Prefiled

 12/15/2009 House Referred to Committee on **Education and Public Works**

 1/12/2010 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C01-12-10.docx)‑45

 1/12/2010 House Referred to Committee on **Education and Public Works** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C01-12-10.docx)‑46

 1/14/2010 House Member(s) request name added as sponsor: Ballentine

 2/25/2010 House Committee report: Favorable with amendment **Education and Public Works** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C02-25-10.docx)‑5

 2/26/2010 Scrivener's error corrected

 2/26/2010 Scrivener's error corrected

 3/2/2010 House Member(s) request name added as sponsor: Clemmons

 3/3/2010 House Member(s) request name added as sponsor: Loftis

 3/3/2010 House Debate interrupted [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-03-10.docx)‑19

 3/3/2010 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-03-10.docx)‑90

 3/3/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-03-10.docx)‑91

 3/4/2010 House Read third time and sent to Senate [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-04-10.docx)‑16

 3/9/2010 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-09-10.docx)‑6

 3/9/2010 Senate Referred to Committee on **Education** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-09-10.docx)‑6

 3/25/2010 Senate Committee report: Favorable with amendment **Education** [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-25-10.docx)‑14

 3/26/2010 Scrivener's error corrected

 3/30/2010 Senate Committee Amendment Amended and Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-30-10.docx)‑17

 3/30/2010 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-30-10.docx)‑17

 3/31/2010 Scrivener's error corrected

 3/31/2010 Senate Read third time and returned to House with amendments [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C03-31-10.docx)‑14

 4/20/2010 House Concurred in Senate amendment and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-20-10.docx)‑90

 4/20/2010 House Roll call Yeas‑92 Nays‑1 [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-20-10.docx)‑90

 5/6/2010 Ratified R 198

 5/11/2010 Signed By Governor

 5/21/2010 Effective date 05/11/10

 5/25/2010 Act No. 168

**VERSIONS OF THIS BILL**

[12/15/2009](file:///p%3A%5Cpprever%5C2009-10%5C4248_20091215.docx)

[2/25/2010](file:///p%3A%5Cpprever%5C2009-10%5C4248_20100225.docx)

[2/26/2010](file:///p%3A%5Cpprever%5C2009-10%5C4248_20100226.docx)

[2/26/2010-A](file:///p%3A%5Cpprever%5C2009-10%5C4248_20100226A.docx)

[3/3/2010](file:///p%3A%5Cpprever%5C2009-10%5C4248_20100303.docx)

[3/25/2010](file:///p%3A%5Cpprever%5C2009-10%5C4248_20100325.docx)

[3/26/2010](file:///p%3A%5Cpprever%5C2009-10%5C4248_20100326.docx)

[3/30/2010](file:///p%3A%5Cpprever%5C2009-10%5C4248_20100330.docx)

[3/31/2010](file:///p%3A%5Cpprever%5C2009-10%5C4248_20100331.docx)

(A168, R198, H4248)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑19‑117 SO AS TO REQUIRE AN INDIVIDUAL HIRED TO SERVE IN ANY CAPACITY IN A PUBLIC SCHOOL DISTRICT TO UNDERGO A CRIMINAL RECORD SEARCH BY THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO REQUIRE THE DISTRICT BOARD TO ADOPT A WRITTEN POLICY ON THE CRIMINAL RECORD SEARCHES, AND TO PROVIDE FOR TRAINING FOR APPROPRIATE DISTRICT PERSONNEL ON THE CRIMINAL RECORD SEARCHES; TO REQUIRE EACH SCHOOL DISTRICT TO PERFORM A NATIONAL SEX OFFENDER REGISTRY CHECK ON ALL DISTRICT EMPLOYEES AND ON CERTAIN VOLUNTEERS, TO PROVIDE FOR TRAINING FOR APPROPRIATE DISTRICT PERSONNEL ON APPROPRIATE USES OF THE DATABASE, AND TO REQUIRE EACH DISTRICT BOARD TO ADOPT A WRITTEN POLICY ON THE SEX OFFENDER REGISTRY CHECK; AND TO AMEND SECTION 23-3-115, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO PROVIDE FOR WAIVER OF THE FEE IMPOSED FOR A CRIMINAL RECORD SEARCH WHEN IT IS CONDUCTED ON A SUBSTITUTE TEACHER ON BEHALF OF A SCHOOL DISTRICT.**

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

**Individuals hired by districts to undergo criminal record searches; board policy on criminal record searches; training on criminal record searches; employees and certain volunteers hired by district to undergo National Sex Offender Registry check; training on the sex offender registry check; board policy on the sex offender registry check**

SECTION 1. Chapter 19, Title 59 of the 1976 Code is amended by adding:

 “Section 59‑19‑117. (A) An individual hired by a local school district board of trustees to serve in any capacity in a public school in this State shall undergo a name‑based South Carolina criminal record search conducted by the local school district using records maintained by the State Law Enforcement Division pursuant to regulations contained in subarticle 1, Article 3, Chapter 73 of the Code of Regulations. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts hiring decisions. The district policy must stipulate whether the district assumes the cost of the criminal record search or that the applicant assumes the cost. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 and hiring recommendations relative to felony convictions and relevant just‑cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in criminal record searches.

 (B) Each school district of this State shall perform a National Sex Offender Registry check on all district employees hired to serve in any capacity in a public school and all volunteers who work in a school on an interim or regular basis as mentors, coaches, or any other capacity, or volunteers who serve as student chaperones or any other capacity having direct interaction with students. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate district personnel on the appropriate uses of the database. By August 1, 2010, the district board of trustees shall adopt a written policy that specifies the sex offender registry check as well as how information received from the search impacts hiring decisions. The policy must include, at a minimum, a prohibition of hiring individuals required to register as sex offenders pursuant to Section 23‑3‑430.”

**Waiver of fee for criminal record search on substitute teachers**

SECTION 2. Section 23‑3‑115 of the 1976 Code, as last amended by Act 353 of 2008, is further amended by adding:

 “(C) The fee allowed in subsection (A) is waived if the criminal record search is conducted on a substitute teacher on behalf of a school district.”

**Time effective**

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

Ratified the 6th day of May, 2010.

Approved the 11th day of May, 2010.

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