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Indicates New Matter

COMMITTEE REPORT

March 20, 2014

**H. 4630**

Introduced by Reps. Funderburk, Pitts and Weeks

S. Printed 3/20/14--H.

Read the first time February 6, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4630) to amend Section 23‑23‑60, Code of Laws of South Carolina, 1976, relating to the expiration or lapse of the law enforcement certification of an officer upon, etc., respectfully

**REPORT:**

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

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 23‑23‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXPIRATION OR LAPSE OF THE LAW ENFORCEMENT CERTIFICATION OF AN OFFICER UPON HIS DISCONTINUANCE OF EMPLOYMENT, SO AS TO PROVIDE AN EXEMPTION WHEN THE EMPLOYMENT IS DISCONTINUED BECAUSE OF HIS ABSENCE FROM WORK DUE TO A DISABILITY HE SUSTAINED IN THAT EMPLOYMENT FOR WHICH HE RECEIVES WORKERS’ COMPENSATION BENEFITS AND FROM WHICH HE HAS NOT BEEN AUTHORIZED TO RETURN TO WORK WITHOUT RESTRICTION TO REQUIRE HE SATISFY CONTINUING EDUCATION REQUIREMENTS OF THIS PERIOD; AND TO MAKE THESE PROVISIONS RETROACTIVE TO JANUARY 1, 2013.

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

SECTION 1. Section 23‑23‑60(C) of the 1976 Code, as added by Act 317 of 2006, is amended to read:

“(C)(1) A certificate as a law enforcement officer issued by the department will expire three years from the date of issuance or upon discontinuance of employment by the officer with the employing entity or agency.

(2) Notwithstanding the provisions of item (1), a certificate may not expire if employment is discontinued because of the officer’s absence from work due to a disability he sustained in that employment for which he receives workers’ compensation benefits and from which he has not been authorized to return to work without restriction; provided, however, that before he may resume employment for which the certificate is required, he must complete all continuing education requirements for the period of time in which he was receiving workers’ compensation benefits and had not been authorized to return to work. Additionally, the three‑year duration of a certificate is tolled during such an absence from employment, and begins running when the officer is authorized to return to work without restriction.

(3) Prior to the expiration of the certificate, the certificate may be renewed upon application presented to the director on a form prescribed by the director. The application for renewal must be received by the director at least forty‑five days prior to the expiration of the certificate.

(4) If the officer’s certificate has lapsed, the department may reissue the certificate after receipt of an application and if the director is satisfied that the officer continues to meet the requirements of subsections (B)(1) through (B)(9).”

SECTION 2. This provisions of this act take place upon approval of the Governor and are retroactive to January 1, 2013.

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