**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3791**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Wooten, Erickson, Thigpen, Dillard, Alexander, Allison, Atkinson, Bailey, Ballentine, Bannister, Bennett, Blackwell, Bradley, Brittain, Bryant, Burns, Bustos, Calhoon, Caskey, Chumley, Collins, B. Cox, W. Cox, Crawford, Dabney, Davis, Elliott, Felder, Finlay, Fry, Gagnon, Gatch, Gilliam, Haddon, Hardee, Hayes, Herbkersman, Hewitt, Hiott, Hixon, Huggins, Hyde, K.O. Johnson, Jordan, Kimmons, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, McCabe, McCravy, McGarry, McGinnis, T. Moore, Morgan, V.S. Moss, Murphy, B. Newton, W. Newton, Nutt, Oremus, Ott, Pendarvis, Pope, Rivers, Sandifer, Simrill, G.M. Smith, G.R. Smith, M.M. Smith, Taylor, Thayer, Trantham, West, Wetmore, Wheeler, S. Williams, Yow and Carter

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Introduced in the House on February 2, 2021

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

Summary: Police and Communities Together "PACT" Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/2/2021 House Introduced and read first time ([House Journal‑page 46](file:///h:\hj\20210202.docx))

2/2/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 46](file:///h:\hj\20210202.docx))

2/9/2021 House Member(s) request name added as sponsor: Carter

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**VERSIONS OF THIS BILL**

[2/2/2021](file:///p:\pprever\2021-22\3791_20210202.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “POLICE AND COMMUNITIES TOGETHER ‘PACT’ ACT”; TO AMEND SECTION 23‑23‑40 RELATING TO THE CERTIFICATION REQUIREMENT FOR LAW ENFORCEMENT OFFICERS, SO AS TO REQUIRE LAW ENFORCEMENT OFFICERS COMPLETE AN APPROVED FIELD TRAINING PROGRAM, TO PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO IS NOT CERTIFIED SHALL PERFORM ONLY HIS DUTIES AS A LAW ENFORCEMENT OFFICER UNDER CERTAIN CIRCUMSTANCES AND WHILE ACCOMPANIED BY A CERTIFIED LAW ENFORCEMENT OFFICER, AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO IS GRANTED AN EXCEPTION FOR FAILING TO SECURE CERTIFICATION WITHIN ONE YEAR OF HIS DATE OF EMPLOYMENT SHALL BE GRANTED THE EXCEPTION FOR A PERIOD NO LONGER THAN NINETY DAYS AND ONLY SHALL PERFORM HIS DUTIES AS A LAW ENFORCEMENT OFFICER WHILE ACCOMPANIED BY A CERTIFIED LAW ENFORCEMENT OFFICER; TO AMEND SECTION 23‑23‑150, AS AMENDED, RELATING TO ADJUDICATIONS OF ALLEGATIONS OF MISCONDUCT, SO AS TO PROVIDE MISCONDUCT ALSO MEANS WILFULLY PROVIDING FALSE INFORMATION TO THE CRIMINAL JUSTICE ACADEMY, TO PROVIDE A LAW ENFORCEMENT AGENCY THAT HAS MADE A REPORT SHALL COOPERATE WITH ANY ACTION BY THE COUNCIL TO INCLUDE MANDATORY ATTENDANCE BY A REPRESENTATIVE OF THE AGENCY KNOWLEDGEABLE OF THE CIRCUMSTANCES SURROUNDING THE ALLEGATION AT ANY SCHEDULED HEARING, AND TO PROVIDE PENALTIES; BY ADDING SECTION 23‑1‑250 SO AS TO DEFINE THE TERMS “CHOKEHOLD” AND “CAROTID HOLD”, TO PROVIDE IT IS UNLAWFUL FOR A LAW ENFORCEMENT OFFICER TO USE A CHOKEHOLD OR CAROTID HOLD UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY, AND PROVIDE THE LAW ENFORCEMENT TRAINING COUNCIL SHALL DEVELOP AND IMPLEMENT CURRICULUM THAT ADDRESSES THIS ISSUE; TO AMEND SECTION 42‑1‑160, RELATING TO THE DEFINITIONS OF “INJURY” AND “PERSONAL INJURY” IN WORKERS’ COMPENSATION, SO AS TO EXEMPT INJURIES SUSTAINED BY LAW ENFORCEMENT OFFICERS IN THE LINE OF DUTY FROM CERTAIN LIMITATIONS ON CLAIMS FOR INJURY CAUSED BY STRESS, MENTAL INJURY, OR MENTAL ILLNESS; TO AMEND SECTION 6‑1‑320, RELATING TO THE MILLAGE RATE INCREASE LIMITATION, SO AS TO PROVIDE THE MILLAGE RATE LIMITATION MAY BE SUSPENDED AND THE MILLAGE RATE MAY BE INCREASED TO PURCHASE EQUIPMENT AND MAKE EXPENDITURES TO IMPROVE LAW ENFORCEMENT, FIRE RESCUE, AND EMERGENCY MEDICAL RESPONSE, AND FOR OTHER PURPOSES; BY ADDING SECTION 23‑1‑260 SO AS TO PROVIDE THE MINIMUM SALARY FOR CERTAIN STATE OR LOCAL LAW ENFORCEMENT OFFICERS; BY ADDING SECTION 23‑3‑90 SO AS TO PROVIDE THE GENERAL ASSEMBLY MUST APPROPRIATE FUNDS TO THE STATE LAW ENFORCEMENT DIVISION FOR POST‑TRAUMATIC STRESS DISORDER RESULTING FROM LAW ENFORCEMENT ACTIVITIES; TO AMEND SECTION 23‑1‑240, RELATING TO BODY‑WORN CAMERAS, SO AS TO REQUIRE THE GENERAL ASSEMBLY TO FUND THE BODY‑WORN CAMERA FUND PROGRAM; BY ADDING SECTION 23‑23‑160 SO AS TO PROVIDE ALL OTHER FUNDS COLLECTED BY THE LAW ENFORCEMENT TRAINING COUNCIL AND THE CRIMINAL JUSTICE ACADEMY MUST BE REMITTED TO THE GENERAL FUND IF THE LAW ENFORCEMENT TRAINING COUNCIL IS APPROPRIATED A CERTAIN AMOUNT OF GENERAL FUNDS; BY ADDING SECTION 23‑23‑85 SO AS TO PROVIDE THE LAW ENFORCEMENT TRAINING COUNCIL SHALL ESTABLISH REQUIRED MINIMUM STANDARDS FOR ALL LAW ENFORCEMENT AGENCIES, TO PROVIDE THE COUNCIL SHALL HAVE THE AUTHORITY TO TAKE PUNITIVE ACTION AGAINST ANY LAW ENFORCEMENT AGENCY THAT REFUSES TO IMPLEMENT AND ENFORCE COMPLIANCE WITH THESE STANDARDS, AND TO PROVIDE A PENALTY FOR SUCH A FAILURE; BY ADDING SECTION 23‑23‑160 SO AS TO ESTABLISH A COMPLIANCE DIVISION WITHIN THE LAW ENFORCEMENT TRAINING COUNCIL AND PROVIDE ITS RESPONSIBILITIES; AND TO AMEND SECTION 23‑23‑100, RELATING TO COMPLIANCE ORDERS ISSUED BY THE LAW ENFORCEMENT TRAINING COUNCIL, SO AS TO REVISE THE NONCOMPLIANCE PENALTIES THAT MAY BE IMPOSED.

Whereas, strong relationships of mutual trust between law enforcement agencies and the communities they serve are critical to maintaining public safety and effective policing; and

Whereas, law enforcement officials rely on the cooperation of community members to provide information about crime in their neighborhoods, and to work with law enforcement agencies to devise solutions to crime and disorder problems; and

Whereas, similarly community members’ willingness to trust law enforcement officers depends on whether they believe law enforcement actions reflect community values and incorporate the principles of procedural justice and legitimacy; and

Whereas, in the wake of recent incidents involving the use of force by law enforcement officers and other issues, the members of the General Assembly believe that certain reform measures must be implemented to ensure that law enforcement agencies can continue to make improving relationships with their communities a top priority. Now, therefore,

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

SECTION 1. This act shall be known and may be cited as the “Police and Communities Together ‘PACT’ Act”.

SECTION 2. Section 23‑23‑40 of the 1976 Code is amended to read:

“Section 23‑23‑40. (A) No law enforcement officer employed or appointed on or after July 1, ~~1989~~ 2021, by any public law enforcement agency in this State is authorized to enforce the laws or ordinances of this State or any political subdivision thereof unless he has been certified as qualified by the council and has completed a field training program approved by the council and established by regulation~~, except that~~.

(B)(1) Notwithstanding subsection (A), any public law enforcement agency in this State may appoint or employ as a law enforcement officer~~,~~ a person who is not certified if, within one year after the date of employment or appointment, the person secures certification from the council~~;~~, provided~~,~~ that: ~~if any public law enforcement agency employs or appoints as a law enforcement officer a person who is not certified,~~

(a) the person shall not perform any of the duties of a law enforcement officer involving the control or direction of members of the public or exercising the power of arrest until he has successfully completed a firearms qualification program approved by the council; ~~and~~

(b) ~~provided, further, that~~ within three working days of employment, the academy must be notified by a public law enforcement agency that ~~a~~ the person has been employed by that agency as a law enforcement officer;~~, and~~

(c) within three working days of the notice pursuant to subitem (b), the firearms qualification program as approved by the director must be provided to the newly hired personnel; and

(d) the person shall only perform his duties as a law enforcement officer while accompanied by a certified law enforcement officer. ~~If the firearms qualification program approved by the director is not available within three working days after receipt of the notice, then the public law enforcement agency making the request for the firearms qualification program may employ the person to perform any of the duties of a law enforcement officer, including those involving the control and direction of members of the public and exercising the powers of arrest.~~

(2)(a) Should any ~~such~~ person employed or appointed pursuant to this subsection fail to secure certification within one year from his date of employment, he may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until he has been certified. He is not eligible for employment or appointment by any other agency in South Carolina as a law enforcement officer, nor is he eligible for any compensation by any law enforcement agency for services performed as an officer. Exceptions to the one‑year rule may be granted by the director in these cases:

~~(1)~~(i) military leave or injury occurring during that first year which would preclude the receiving of training within the usual period of time; ~~or~~

~~(2)~~(ii) in the event of the timely filing of application for training, which application, under circumstances of time and physical limitations, cannot be honored by the training academy within the prescribed period; or

~~(3)~~(iii) upon presentation of documentary evidence that the officer‑candidate has successfully completed equivalent training in one of the other states which by law regulate and supervise the quality of police training and which require a minimum basic or recruit course of duration and content at least equivalent to that provided in this chapter or by standards set by the council~~; or~~

~~(4)~~ ~~if it is determined by documentary evidence that the training will result in undue hardship to the requesting agency, the requesting agency must propose an alternate training schedule for approval~~.

(b) If an exception is granted pursuant to this item, it must not be for a period longer than ninety days, and during the exception period, the person shall only perform his duties as a law enforcement officer while accompanied by a certified law enforcement officer.

(3) Notwithstanding another provision of law, in the case of a candidate for certification who begins one or more periods of state or federal military service within one year after his date of employment or appointment, the period of time within which he must obtain the certification required to become a law enforcement officer is automatically extended for an additional period equal to the aggregate period of time the candidate performed active duty or active duty for training as a member of the National Guard, the State Guard, or a reserve component of the Armed Forces of the United States, plus ninety days. The director must take all necessary and proper action to ensure that a candidate for certification as a law enforcement officer who performs military service within one year of his employment or appointment is not prejudiced in obtaining certification as a result of having performed state or federal military service.”

SECTION 3. Section 23‑23‑150(A) and (B) of the 1976 Code, as added by Act 215 of 2018, is amended to read:

“(A) For purposes of this section:

(1) ‘Academy’ means the South Carolina Criminal Justice Academy.

(2) ‘Council’ means the Law Enforcement Training Council.

(3) ‘Misconduct’ means:

(a) a conviction, plea of guilty, plea of no contest or admission of guilt to a felony, a crime punishable by a sentence of more than one year, regardless of the sentence actually imposed, or a crime of moral turpitude, any of which were committed in this State or any other jurisdiction;

(b) the unlawful use of a controlled substance;

(c) the repeated use of excessive force in dealing with the public or prisoners;

(d) dangerous or unsafe practices involving firearms, weapons, or vehicles which indicate either a wilful or wanton disregard for the safety of persons or property;

(e) the physical or psychological abuse of members of the public or prisoners;

(f) the failure to intervene when observing another officer physically or psychologically abusing members of the public or prisoners;

(g) the misrepresentation of employment‑related information;

~~(g)~~(h) wilfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State;

~~(h)~~(i) wilfully making false, misleading, incomplete, deceitful, or incorrect statements to any court of competent jurisdiction, or their staff members, whether under oath or not;

~~(i)~~(j) wilfully providing false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State;

~~(j)~~ (k) the falsification of any application for certification and training based upon which the officer was admitted for training; or

~~(k)~~(l) wilfully providing false information to the Criminal Justice Academy.

(B) The sheriff or the chief executive officer of a law enforcement agency or department within the State must report to the academy the occurrence of any act or multiple acts of misconduct by a law enforcement officer which could result in the withdrawal of the certification of the law enforcement officer who is currently or was last employed by his agency. The report shall be made within fifteen days of the final agency or department action resulting from the internal investigation conducted by the agency or department, and shall be on a form prescribed by the council. A law enforcement agency that has made a report under this section shall cooperate fully with any action by the council, to include mandatory attendance by a representative of the agency knowledgeable of the circumstances surrounding the allegation at any scheduled hearing. A wilful failure to report information related to acts of misconduct shall subject the violator to a civil penalty as provided by the council. The council may impose civil fines in its discretion not to exceed one thousand dollars per day for each day an agency is out of compliance with this section.”

SECTION 4. Chapter 1, Title 23 of the 1976 Code is amended by adding:

“Section 23‑1‑250. (A) For the purposes of this section, the term ‘chokehold or carotid hold’ means the application of deadly force in a manner that applies extended or continued pressure to the throat or windpipe, a maneuver that restricts blood or oxygen flow to the brain, or a carotid artery restraint that prevents or hinders breathing or reduces the intake of air by an individual.

(B) The use of a chokehold or carotid hold is justifiable only if a law enforcement officer reasonably believes that the use of deadly force is necessary to protect the life of a civilian or a law enforcement officer. The substantiated use of an unjustified chokehold or carotid hold shall be deemed excessive force and may result in criminal prosecution.

(C) In addition to any other penalty provided by law, the use of excessive force may serve as grounds for disciplinary action against the law enforcement officer, including dismissal, demotion, suspension, or transfer.

(D) The Law Enforcement Training Council shall develop and implement curriculum to address the lawful justifiable use of chokeholds and carotid holds in accordance with this section.”

SECTION 5. Section 42‑1‑160 of the 1976 Code is amended to read:

“Section 42‑1‑160. (A) ‘Injury’ and ‘personal injury’ mean only injury by accident arising out of and in the course of employment and shall not include a disease in any form, except when it results naturally and unavoidably from the accident and except such diseases as are compensable under the provisions of Chapter 11 of this title. In construing this section, an accident arising out of and in the course of employment includes employment of an employee of a municipality outside the corporate limits of the municipality when the employment was ordered by a duly authorized employee of the municipality.

(B) Stress, mental injuries, and mental illness arising out of and in the course of employment unaccompanied by physical injury and resulting in mental illness or injury are not considered a personal injury unless the employee establishes, by a preponderance of the evidence:

(1) that the employee’s employment conditions causing the stress, mental injury, or mental illness were extraordinary and unusual in comparison to the normal conditions of the particular employment; and

(2) the medical causation between the stress, mental injury, or mental illness, and the stressful employment conditions by medical evidence.

(C) The provisions of subsection (B)(1) do not apply, however, if the employee is employed as a law enforcement officer and the impairment causing the stress, mental injury, or mental illness arises from the law enforcement officer’s direct involvement in, or subjection to, the use of deadly force in the line of duty or the repeated exposure or subjection to trauma in the officer’s scope of employment.

(D) Stress, mental injuries, heart attacks, strokes, embolisms, or aneurisms arising out of and in the course of employment unaccompanied by physical injury are not considered compensable if they result from any event or series of events which are incidental to normal employer/employee relations including, but not limited to, personnel actions by the employer such as disciplinary actions, work evaluations, transfers, promotions, demotions, salary reviews, or terminations, except when these actions are taken in an extraordinary and unusual manner.

~~(D)~~(E) Stress, mental injuries, and mental illness alleged to have been aggravated by a work‑related physical injury may not be found compensable unless the aggravation is:

(1) admitted by the employer/carrier;

(2) noted in a medical record of an authorized physician that, in the physician’s opinion, the condition is at least in part causally‑related or connected to the injury or accident, whether or not the physician refers the employee for treatment of the condition;

(3) found to be causally‑related or connected to the accident or injury after evaluation by an authorized psychologist or psychiatrist; or

(4) noted in a medical record or report of the employee’s physician as causally‑related or connected to the injury or accident.

~~(E)~~(F) In medically complex cases, an employee shall establish by medical evidence that the injury arose in the course of employment. For purposes of this subsection, ‘medically complex cases’ means sophisticated cases requiring highly scientific procedures or techniques for diagnosis or treatment excluding MRIs, CAT scans, x‑rays, or other similar diagnostic techniques.

~~(F)~~(G) The word ‘accident’ as used in this title must not be construed to mean a series of events in employment, of a similar or like nature, occurring regularly, continuously, or at frequent intervals in the course of such employment, over extended periods of time. Any injury or disease attributable to such causes must be compensable only if culminating in a compensable repetitive trauma injury pursuant to Section 42‑1‑172 or an occupational disease pursuant to the provisions of Chapter 11 of this title.

~~(G)~~(H) As used in this section, ‘medical evidence’ means expert opinion or testimony stated to a reasonable degree of medical certainty, documents, records, or other material that is offered by a licensed health care provider.”

SECTION 6. Section 6‑1‑320(B) of the 1976 Code is amended to read:

“(B) Notwithstanding the limitation upon millage rate increases contained in subsection (A), the millage rate limitation may be suspended and the millage rate may be increased upon a two‑thirds vote of the membership of the local governing body for the following purposes:

(1) the deficiency of the preceding year;

(2) any catastrophic event outside the control of the governing body such as a natural disaster, severe weather event, act of God, or act of terrorism, fire, war, or riot;

(3) compliance with a court order or decree;

(4) taxpayer closure due to circumstances outside the control of the governing body that decreases by ten percent or more the amount of revenue payable to the taxing jurisdiction in the preceding year; ~~or~~

(5) compliance with a regulation promulgated or statute enacted by the federal or state government after the ratification date of this section for which an appropriation or a method for obtaining an appropriation is not provided by the federal or state government~~.~~;

(6) purchase by the local governing body of undeveloped real property or of the residential development rights in undeveloped real property near an operating United States military base which property has been identified as suitable for residential development but which residential development would constitute undesirable residential encroachment upon the United States military base as determined by the local governing body. The local governing body shall enact an ordinance authorizing such purchase and the ordinance must state the nature and extent of the potential residential encroachment, how the purchased property or development rights would be used and specifically how and why this use would be beneficial to the United States military base, and what the impact would be to the United States military base if such purchase were not made. Millage rate increases for the purpose of such purchase must be separately stated on each tax bill and must specify the property, or the development rights to be purchased, the amount to be collected for such purchase, and the length of time that the millage rate increase will be in effect. The millage rate increase must reasonably relate to the purchase price and must be rescinded five years after it was placed in effect or when the amount specified to be collected is collected, whichever occurs first. The millage rate increase for such purchase may not be reinstated unless approved by a majority of the qualified voters of the governmental entity voting in a referendum. The cost of holding the referendum must be paid from the taxes collected due to the increased millage rate; ~~or~~

(7) to purchase capital equipment and make expenditures related to the installation, operation, and purchase of the capital equipment including, but not limited to, taxes, duty, transportation, delivery, and transit insurance, in a county having a population of less than one hundred thousand persons and having at least forty thousand acres of state or national forest land. For purposes of this section, "capital equipment" means an article of nonexpendable, tangible, personal property, to include communication software when purchased with a computer, having a useful life of more than one year and an acquisition cost of fifty thousand dollars or more for each unit; or

(8) to purchase equipment and make expenditures to improve publicly funded law enforcement and fire/rescue and emergency medical response and to comply with statutory requirements, including Sections 23‑1‑260 and 23‑23‑85. For purposes of this section, ‘expenditures’ include salary and benefit increases for individuals tasked with providing public safety.

If a tax is levied to pay for items (1) through (5) above, then the amount of tax for each taxpayer must be listed on the tax statement as a separate surcharge, for each aforementioned applicable item, and not be included with a general millage increase. Each separate surcharge must have an explanation of the reason for the surcharge. The surcharge must be continued only for the years necessary to pay for the deficiency, for the catastrophic event, or for compliance with the court order or decree.”

SECTION 7. Chapter 1, Title 23 of the 1976 Code is amended by adding:

“Section 23‑1‑260. Beginning in Fiscal Year 2021‑2022, the minimum annual salary a state or local full‑time Class 1 will receive is an amount equal to seventeen and one‑half percent of the salary fixed for Associate Justices of the South Carolina Supreme Court.”

SECTION 8. Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑90. Each year in the annual general appropriations act, the General Assembly shall appropriate at least two hundred fifty thousand dollars to the State Law Enforcement Division for post‑traumatic stress disorder (PTSD) resulting from law enforcement activities. SLED may engage the South Carolina Law Enforcement Assistance Program to reimburse state or local law enforcement officers who incur mental injury as a result of a critical incident during the scope of employment, for actual out‑of‑pocket expenses not covered through the workers’ compensation claims and other insurance, and to provide services.”

SECTION 9. Section 23‑1‑240 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) Each year in the annual general appropriations act, the General Assembly shall appropriate to the body‑worn camera fund sufficient funds to fully implement and maintain the program set forth in this section.”

SECTION 10. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23‑23‑160. Notwithstanding any other provision of law, beginning in Fiscal Year 2021‑2022, each year in the annual general appropriations act, the General Assembly shall appropriate to the Law Enforcement Training Council general fund dollars equal to at least the amount of general fund dollars and authorized other funds in Fiscal Year 2019‑2020. In any fiscal year in which appropriations meet the requirements of this section, any funds collected by the Law Enforcement Training Council or Criminal Justice Academy must be remitted to the general fund.”

SECTION 11. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23‑23‑85. (A) The council shall establish required minimum standards for all law enforcement agencies. The standards must include, but are not limited to, policies regarding:

(1) the use‑of‑force continuum and the elimination or restricted use of lethal and less than lethal options with regard to when and how to respond to active resistance. The use‑of‑force continuum must eliminate the use of chokeholds and carotid holds as less lethal options;

(2) uniform vehicle pursuit standards and the use of lethal options during pursuit;

(3) an officer’s duty to intervene in the actions of other observed officers;

(4) hiring and terminating practices;

(5) mandatory and uniform post‑basic academy field training;

(6) uniform implementation and the use of body‑worn cameras; and

(7) the use of ‘no knock’ warrants.

(B) The council shall have the authority to take punitive action against any law enforcement agency that refuses to comply with standards issued pursuant to this section, including civil fines, as described in Section 23‑23‑100.

(C) Nothing in this section shall be construed to prevent or prohibit law enforcement agencies from adopting policies that exceed the minimum standards adopted by the council.”

SECTION 12. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23‑23‑160. (A) There is hereby established a Compliance Division under the jurisdiction of the council. The inspectors and such other personnel as may be provided for the division shall be selected by the director.

(B) The division shall be responsible for inspecting, at least once every three years, the relevant policies and procedures for every law enforcement agency in this State to ensure compliance with minimum standards established in Section 23‑23‑85. For the purposes of this section, ‘law enforcement agency’ means any agency or entity of the State or any of its political subdivisions that employs or appoints law enforcement officers.

(C) If an inspection under this chapter discloses that a law enforcement agency does not meet the minimum standards established in Section 23‑23‑85, the council shall notify the law enforcement agency director and hold a meeting of the council to consider the inspection reports. If requested, the inspection personnel shall appear to advise and consult concerning appropriate corrective action. The law enforcement agency shall initiate appropriate corrective action within ninety days or may be subject to additional penalties, as described in Section 23‑23‑100.

(D) If a law enforcement agency produces evidence satisfactory to the director to prove the agency is currently accredited by either the South Carolina Law Enforcement Accreditation Council or the Commission on Accreditation for Law Enforcement Agencies, the agency shall be exempt from inspections pursuant to this section and shall be deemed to be in compliance with the minimum standards established in Section 23‑23‑85.”

SECTION 13. Section 23‑23‑100 of the 1976 Code is amended to read:

“Section 23‑23‑100. (A) Whenever the director finds that any public law enforcement agency is in violation of any provisions of this chapter, the director may issue an order requiring the public law enforcement agency to comply with the provision. The director may bring a civil action for injunctive relief in the appropriate court or may bring a civil enforcement action. Violation of any court order issued pursuant to this section must be considered contempt of the issuing court and punishable as provided by law. The director also may invoke the civil penalties as provided in subsection (B) for violation of the provisions of this chapter, including any order or regulation hereunder. Any public law enforcement agency against which a civil penalty is invoked by the director may appeal the decision to the court of common pleas of the county where the public law enforcement agency is located.

(B) Any public law enforcement agency which fails to comply with this chapter and regulations promulgated pursuant to this chapter or fails to comply with any order issued by the director is liable for a civil penalty not to exceed one thousand ~~five hundred~~ ~~dollars a violation~~ dollars per day the agency is not in compliance or is found to be in violation. ~~When the civil penalty authorized by this subsection is imposed upon a sheriff, the sheriff is responsible for payment of this civil penalty.~~

(C) If the imposition of civil fines fails to bring a law enforcement agency into compliance with the standards established in Section 23‑23‑85, the council is authorized to temporarily suspend the law enforcement certification of every law enforcement officer employed or appointed by the noncompliant law enforcement agency until such time as the council deems the agency to be in compliance with the minimum standards or a motion for injunctive relief is settled. An individual who has had his law enforcement certification suspended as a result of a noncompliant law enforcement agency shall not be prohibited from regaining law enforcement certification if he is subsequently employed or appointed by a compliant law enforcement agency, provided he is otherwise qualified to be certified.”

SECTION 14. This act takes effect upon approval by the Governor.

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