



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	H. 3050	Amended by the House of Representatives on May 12, 2021
Author:	D. C. Moss	
Subject:	Law Enforcement Officers, Certification	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	September 16, 2021	

Fiscal Impact Summary

The bill requires the Law Enforcement Training Council (LETC) to establish a Compliance Division to ensure conformity of the policies and procedures of law enforcement agencies in the state with required minimum standards. The bill will result in a recurring General Fund expenditure impact of \$142,000 and a non-recurring General Fund impact of \$80,000 for two new investigators. Therefore, the bill will have a total General Fund expenditure impact of \$222,000 for FY 2021-22 and \$142,000 each year thereafter.

Additionally, this bill enables LETC to take punitive action, including the issuance of civil fines, against any law enforcement agency that refuses to comply with required minimum standards. Also, the bill enables LETC to issue a civil fine against a law enforcement agency that fails to comply with any of the provisions of Title 23, Chapter 23, including failure to comply with reporting requirements concerning acts of misconduct. Such fines may not exceed \$1,000 per day for each day an agency is out of compliance. Any fines that may be collected are considered miscellaneous revenue and are deposited into the agency's Other Funds. However, LETC anticipates that all law enforcement agencies will remain compliant and that these discretionary fines will not be imposed. As such, the bill will have no revenue impact.

This bill requires any uncertified law enforcement officer appointed on or after July, 1 2021 to be accompanied by a certified law enforcement officer while performing his duties. Revenue and Fiscal Affairs (RFA) does not anticipate any local expenditure on local law enforcement agencies.

Explanation of Fiscal Impact

Amended by the House of Representatives on May 12, 2021

State Expenditure

This bill expands the definition of misconduct to include the failure of a law enforcement officer to intervene when observing another officer physically or psychologically abusing members of the public or prisoners and enables LETC to impose civil fines upon law enforcement agencies that willfully fail to report acts of misconduct. These fines are limited to \$1,000 per day for each day an agency does not comply.

The bill also requires LETC to establish required minimum standards for all law enforcement agencies, authorizes LETC to take punitive action against any law enforcement agency that refuses to comply with the standards, and enables LETC to impose civil fines not to exceed \$1,500, per violation. Additionally, LETC is required to establish a Compliance Division to ensure conformity of the policies and procedures for law enforcement agencies in the state with required minimum standards.

Further, the bill modifies the penalty structure for a public law enforcement agency that fails to comply with the certification and minimum standard requirements from a maximum of \$1,500 per violation to a maximum of \$1,000 per day the agency is found to be non-compliant or in violation. If an agency remains non-compliant after the imposition of a civil fine, LETC is authorized to temporarily suspend the law enforcement certification of every officer employed or appointed by the agency until such time that compliance is achieved.

LETC/Criminal Justice Academy. This bill requires LETC to establish a Compliance Division that will be responsible for inspecting relevant policies and procedures for every law enforcement agency in the state to ensure compliance with required minimum standards. The agency indicates it will need to hire two investigators to staff the new division, which will result in a recurring General Fund expenditure impact of \$142,000, \$132,000 in salary/fringe and \$10,000 in annual travel and per diem expenses, and a non-recurring General Fund expenditure of \$80,000 for uniforms, equipment, and transportation. Therefore, the bill will have a total General Fund expenditure impact of \$222,000 in FY 2021-22, and \$133,000 every year thereafter.

State Revenue

This bill enables LETC to take punitive action, including the issuance of civil fines, against any law enforcement agency that refuses to comply with required minimum standards. In addition, the bill enables LETC to issue a civil fine against a law enforcement agency that fails to comply with any of the provisions of Title 23, Chapter 23, including failure to comply with reporting requirements concerning acts of misconduct. Such fines may not exceed \$1,000 per day for each day an agency is out of compliance. Any fines that may be collected are considered miscellaneous revenue and are deposited into the agency's Other Funds. However, LETC anticipates that all law enforcement agencies will remain compliant and that these discretionary fines will, therefore, not be imposed. As such, the bill will have no revenue impact.

Local Expenditure

This bill requires any uncertified law enforcement officer appointed on or after July, 1 2021 to be accompanied by a certified law enforcement officer while performing his duties. Currently, uncertified officers may perform certain duties solely, but not all duties. This bill no longer allows an uncertified officer to perform any duty without being accompanied by a certified officer. RFA does not anticipate any local expenditure on local law enforcement agencies.

Local Revenue

N/A



Frank A. Rainwater, Executive Director