**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3089**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rutherford, Alexander, Anderson, Bamberg, Brawley, Clyburn, Dillard, Garvin, Gilliard, Govan, Henderson‑Myers, Henegan, Hosey, Howard, J. Moore, Jefferson, J.L. Johnson, K.O. Johnson, King, Matthews, McDaniel, Murray, Parks, Pendarvis, Rivers, Robinson, Tedder, Thigpen, Weeks, R. Williams and S. Williams

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Introduced in the House on January 12, 2021

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

Summary: Warrant, execution

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 64](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 64](file:///h:\hj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3089_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑1‑250 SO AS TO PROVIDE PROCEDURES FOR EXECUTING A WARRANT, PENALTIES FOR VIOLATING THESE PROCEDURES, AND A CIVIL REMEDY FOR A PERSON AGGRIEVED FOR A VIOLATION OF THESE PROCEDURES; TO AMEND SECTION 23‑23‑80, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL, SO AS TO AUTHORIZE THE COUNCIL TO ESTABLISH A COURSE TO TRAIN LAW ENFORCEMENT OFFICERS ON ASPECTS OF EXECUTING WARRANTS AND MINIMUM STANDARDS FOR CERTIFICATION AND RECERTIFICATION OF LAW ENFORCEMENT OFFICERS AS ELIGIBLE TO CONDUCT THE EXECUTION OF WARRANTS, AND PROMULGATE REGULATIONS TO IMPLEMENT THIS PROVISION.

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

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

“Section 23‑1‑250. (A) When executing a warrant issued in this State, a law enforcement officer shall:

(1) physically knock and announce himself and wait a minimum of fifteen seconds to allow the occupants of the home to respond and open the door before forcibly entering a home; and

(2) wear a body‑worn camera that records the law enforcement officer’s conduct for a minimum of five minutes before and after the execution of the warrant, and during any period that involves an arrest of a person or search of a person or property.

(B) A law enforcement officer subject to the provisions of this section must be in uniform or wearing clothing that makes him clearly and immediately identifiable as a law enforcement officer.

(C) A law enforcement officer who violates the provisions of this section must be suspended from duty and his law enforcement officer certification must be:

(1) for a first violation, suspended for six months;

(2) for a second violation, suspended for one year; or

(3) for a third or subsequent violation, revoked.

(D) A person aggrieved for a violation of the requirements under subsection (A) or (B) may file a civil action against the law enforcement officer or law enforcement agency that employs the law enforcement officer on the grounds the officer or agency intentionally failed to comply with these requirements. If the court finds the law enforcement officer or law enforcement agency intentionally failed to comply with these requirements, it may impose damages upon the officer or agency or order injunctive relief.”

SECTION 2. Section 23‑23‑80 of the 1976 Code, as last amended by Act 215 of 2018, is further amended to read:

“Section 23‑23‑80. The South Carolina Law Enforcement Training Council is authorized to:

(1) receive and disburse funds, including those hereinafter provided in this chapter;

(2) accept any donations, contributions, funds, grants, or gifts from private individuals, foundations, agencies, corporations, or the state or federal governments, for the purpose of carrying out the programs and objectives of this chapter;

(3) consult and cooperate with counties, municipalities, agencies, or official bodies of this State or of other states, other governmental agencies, and with universities, colleges, junior colleges, and other institutions, concerning the development of police training schools, programs, or courses of instruction, selection, and training standards, or other pertinent matters relating to law enforcement;

(4) publish or cause to be published manuals, information bulletins, newsletters, and other materials to achieve the objectives of this chapter;

(5) make such regulations as may be necessary for the administration of this chapter, including the issuance of orders directing public law enforcement agencies to comply with this chapter and all regulations so promulgated;

(6) certify and train qualified candidates and applicants for law enforcement officers and provide for suspension, revocation, or restriction of the certification, in accordance with regulations promulgated by the council;

(7) require all public entities or agencies that employ or appoint law enforcement officers to provide records in the format prescribed by regulation of employment information of law enforcement officers;

(8) provide by regulation for mandatory continued training of certified law enforcement officers, this training to be completed within each of the various counties requesting this training on a regional basis.

(9) provide by regulation for mandatory continued training of certified law enforcement officers to recognize post‑traumatic stress disorder and other trauma and stress‑related disorders in other officers. The council also is authorized to establish a mechanism to recommend participation in the South Carolina Law Enforcement Assistance Program (SC LEAP) for officers involved in an incident resulting in death or serious bodily injury; ~~and~~

(10) appoint attorneys employed by the South Carolina Criminal Justice Academy to sit as hearing officers for contested case hearings. The attorneys are authorized to submit hearing officers’ recommendations to the council; and

(11) establish a course of training for law enforcement officers on the constitutional, legal, and technical aspects of executing arrest and search warrants, and minimum standards for the certification and recertification of law enforcement officers as eligible to conduct the execution of warrants. In addition, the council shall promulgate regulations necessary to implement the provisions contained in this item.”

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

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