**South Carolina General Assembly**

121st Session, 2015-2016

**A35, R60, H3168**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Tallon, McCoy and Weeks

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Introduced in the House on January 13, 2015

Introduced in the Senate on February 12, 2015

Passed by the General Assembly on May 13, 2015

Governor's Action: June 1, 2015, Signed

Summary: S.C. Emergency Management Law Enforcement Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2014 House Prefiled

12/11/2014 House Referred to Committee on **Judiciary**

1/13/2015 House Introduced and read first time ([House Journal‑page 123](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/13/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 123](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/29/2015 House Member(s) request name added as sponsor: Weeks

2/4/2015 House Committee report: Favorable **Judiciary** ([House Journal‑page 33](file:///h:\HJ%20Archive\2015\02-04-15.docx))

2/11/2015 House Read second time ([House Journal‑page 29](file:///h:\HJ%20Archive\2015\02-11-15.docx))

2/11/2015 House Roll call Yeas‑111 Nays‑0 ([House Journal‑page 29](file:///h:\HJ%20Archive\2015\02-11-15.docx))

2/12/2015 House Read third time and sent to Senate ([House Journal‑page 29](file:///h:\HJ%20Archive\2015\02-12-15.docx))

2/12/2015 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\SJ%20Archive\2015\02-12-15.docx))

2/12/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](file:///h:\SJ%20Archive\2015\02-12-15.docx))

2/20/2015 Senate Referred to Subcommittee: Hutto (ch), Corbin, Young

4/29/2015 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 25](file:///h:\SJ%20Archive\2015\04-29-15.docx))

5/12/2015 Senate Read second time ([Senate Journal‑page 48](file:///h:\SJ%20Archive\2015\05-12-15.docx))

5/12/2015 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 48](file:///h:\SJ%20Archive\2015\05-12-15.docx))

5/13/2015 Senate Read third time and enrolled ([Senate Journal‑page 21](file:///h:\SJ%20Archive\2015\05-13-15.docx))

5/28/2015 Ratified R 60

6/1/2015 Signed By Governor

6/4/2015 Effective date 06/01/15

6/5/2015 Act No. 35

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**VERSIONS OF THIS BILL**

[12/11/2014](file:///p:\pprever\2015-16\3168_20141211.docx)

[2/4/2015](file:///p:\pprever\2015-16\3168_20150204.docx)

[4/29/2015](file:///p:\pprever\2015-16\3168_20150429.docx)

(A35, R60, H3168)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 9, TITLE 25 SO AS TO ENACT THE “SOUTH CAROLINA EMERGENCY MANAGEMENT LAW ENFORCEMENT ACT”, TO DEFINE NECESSARY TERMS, AND PROVIDE QUALIFICATIONS, POWERS, DUTIES, AND LIMITATIONS OF SPECIAL LAW ENFORCEMENT OFFICERS SERVING PURSUANT TO THIS ARTICLE.**

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

**Special law enforcement officer procedures and requirements**

SECTION 1. Chapter 9, Title 25 of the 1976 Code is amended by adding:

“Article 6

South Carolina Emergency Management

Law Enforcement Act

Section 25‑9‑500. This act may be cited as the ‘South Carolina Emergency Management Law Enforcement Act’.

Section 25‑9‑510. The purpose of this article is to provide procedures for the use of out‑of‑state officers who are deployed to the State of South Carolina in accordance with the provisions of the Emergency Management Assistance Compact, which is codified in Section 25‑9‑420. The use of out‑of‑state law enforcement personnel pursuant to the Emergency Management Assistance Compact is designed solely for situations when South Carolina’s law enforcement resources have been exhausted or will be exhausted subsequent to a declaration of a state of emergency or disaster by the Governor of the State of South Carolina.

Section 25‑9‑520. As used in this article:

(1) ‘Special law enforcement officer’ means a law enforcement officer of a member state to the Emergency Management Assistance Compact who meets the qualifications set forth in this chapter and is deployed to the State of South Carolina upon a request for assistance pursuant to Article III(B) of the Emergency Management Assistance Compact.

(2) ‘Home agency’ means the agency or law enforcement entity where the special law enforcement officer is currently employed.

Section 25‑9‑530. To serve as a special law enforcement officer pursuant to this article, a person must have:

(1) reached twenty‑one years of age;

(2) graduated from an accredited law enforcement academy or received other law enforcement training to the satisfaction of the Chief of the South Carolina Law Enforcement Division, or his designee; and

(3) served a minimum of two years as a full‑time law enforcement officer.

Section 25‑9‑540. Prior to performing law enforcement activities in the State of South Carolina, a special law enforcement officer must take and subscribe to the oath of office set forth in Section 5, Article VI of the South Carolina Constitution in the presence of either the Chief of the South Carolina Law Enforcement Division, or his designee. The Chief of the South Carolina Law Enforcement Division, or his designee, shall maintain a written record of all special law enforcement officers who take and subscribe to the oath of office required pursuant to this article.

Section 25‑9‑550. A special law enforcement officer appointed pursuant to this article is authorized to:

(1) preserve the peace and protect the people of this State;

(2) detain and arrest individuals without a warrant for criminal offenses occurring within the officer’s presence or view and necessary to maintain and establish public peace, health, or safety in the State;

(3) exercise the same powers, duties, rights, privileges, and immunities that are afforded law enforcement officers of this State;

(4) possess and carry firearms and other weapons as authorized while on duty; and

(5) exercise statewide jurisdiction.

Section 25‑9‑560. A special law enforcement officer appointed pursuant to this article shall serve at all times at the pleasure of and under the operational control of the Chief of the South Carolina Law Enforcement Division, or his designee, and is subject to the rules and regulations established by the Chief of the South Carolina Law Enforcement Division, or his designee. In the event of a conflict between the rules and regulations established for a special law enforcement officer and the officer’s home agency rules and regulations, the special law enforcement officer immediately shall notify the Chief of the South Carolina Law Enforcement Division, or his designee, and attempt to resolve the conflict.

Section 25‑9‑570. (A) The powers and duties granted to a special law enforcement officer pursuant to this article shall terminate immediately upon:

(1) the cancellation of the state of emergency or disaster declaration; or

(2) notice from either the Chief of the South Carolina Law Enforcement Division, or his designee, that a special law enforcement officer’s powers and duties in this State have been terminated.

(B) A person who knowingly exercises or knowingly attempts to exercise the powers of a special law enforcement officer after his powers and duties have been terminated pursuant to subsection (A) is guilty of a misdemeanor pursuant to Section 16‑17‑720.

Section 25‑9‑580. Nothing in this article is intended to waive existing or future immunity. Neither the State of South Carolina, nor any of its political subdivisions, agencies, or employees are liable or accountable in any way for the appointment of a special law enforcement officer or for any act or omission on the part of a special law enforcement officer.

Section 25‑9‑590. Compensation for special law enforcement officers must be made in accordance with the Emergency Management Assistance Compact.

Section 25‑9‑600. (A) A special law enforcement officer serving pursuant to this article remains the employee of his home agency and does not become an employee of the State of South Carolina, or an agency or political subdivision of this State.

(B) Special law enforcement officers do not hold office in South Carolina.

(C) Notwithstanding another provision of law, a special law enforcement officer is not subject to certification requirements for law enforcement personnel set forth in South Carolina law, and a special law enforcement officer is not required to post a bond.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 28th day of May, 2015.

Approved the 1st day of June, 2015.

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