~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 3, 2017

**S. 173**

Introduced by Senators Sheheen, Turner and Timmons

S. Printed 5/3/17--H.

Read the first time March 22, 2017.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Amended by Senate Judiciary on March 7, 2017**

**State Expenditure**

This bill as amended requires that a law enforcement officer who is Class 1-LE, Class 2-LCO, or Class 3-SLE certified must complete Continuing Law Enforcement Education Credits (CLEEC) in mental health or addictive disorders over a three-year recertification period. The number of required annual CLEEC hours in mental health or addictive disorders shall be determined by the Law Enforcement Training Council, but must be included in the forty CLEEC hours required over the three-year recertification period. Such training must be provided or approved by the Criminal Justice Academy.

Class 1-LE law enforcement officers are officers with full arrest powers, such as Highway Patrol officers and local police patrolmen. Class 2-LCO law enforcement officers are local detention facility officers. Currently, for recertification, both are required to complete 40 hours of CLEEC over a three-year period, including a one-hour legal update and one hour on criminal domestic violence each year of the three-year period. Class 3-SLE law enforcement officers have limited powers of arrest or special duties and include desk and administration and those who provide animal control, airport security, litter control, court room security, prisoner transportation, and traffic control at events. These officers receive basic training relevant to performance of limited powers of arrest or special duties and currently are required to complete one legal update each year for recertification.

**Law Enforcement Training Council.** This bill as amended charges the department with providing or approving the mental health or addictive disorders training. The agency plans to create an uploadable video to fulfill this responsibility, which the agency is able to accomplish with existing staff and appropriations. As such, the bill is not expected to impact expenditures for the department.

**Department of Corrections.** The expenditure impact is pending, contingent upon a response from the agency.

**Department of Juvenile Justice.** The expenditure impact is pending, contingent upon a response from the agency.

**Department of Public Safety.** The expenditure impact is pending, contingent upon a response from the agency.

**South Carolina Law Enforcement Division.** The expenditure impact is pending, contingent upon a response from the agency.

**Department of Natural Resources.** The expenditure impact is pending, contingent upon a response from the agency.

**Local Expenditure**

The expenditure impact is pending, contingent upon a response from local law enforcement.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 23‑23‑10 OF THE 1976 CODE, RELATING TO THE PURPOSE OF THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO PROVIDE NEW DEFINITIONS; TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING SECTION 23‑23‑55 TO PROVIDE THAT A CLASS 1‑LE LAW ENFORCEMENT OFFICER MUST COMPLETE CONTINUING LAW ENFORCEMENT EDUCATION CREDITS IN MENTAL HEALTH OR ADDICTIVE DISORDERS; TO AMEND SECTION 23‑23‑80 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL IS AUTHORIZED TO ESTABLISH AND MAINTAIN A CRISIS INTERVENTION TRAINING CENTER AND TO GOVERN AND SUPERVISE CRISIS INTERVENTION TEAM TRAINING; TO AMEND TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING CHAPTER 52 TO CREATE A CRISIS INTERVENTION TRAINING COUNCIL, TO PROVIDE FOR THE COUNCIL’S DUTIES, AND TO PROVIDE THAT EVERY COUNTY SHALL ESTABLISH AT LEAST ONE CRISIS INTERVENTION TEAM.

Amend Title To Conform

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

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

“Section 23‑23‑55. A law enforcement officer who is Class 1‑LE, Class 2-LCO, or Class 3-SLE certified in this State is required to complete Continuing Law Enforcement Education Credits (CLEEC) in mental health or addictive disorders overa three‑year recertification period. The number of required annual CLEEC hours in mental health or addictive disorders shall be determined by the council, but must be included in the forty CLEEC hours required over the three‑year recertification period. The training must be provided or approved by the academy and must include, but is not limited to, the following curriculum: crime scene response, crisis situation response in which an individual is experiencing a mental health or addictive disorder crisis, Fourth Amendment issues, incident report writing, determination of primary aggressors, dual arrests, victim and offender dynamics, victims’ resources, victims’ rights issues, interviewing techniques, mental health courts and mental health court programs, offender treatment programs, and recognition of special needs populations.”

SECTION 2. Section 23‑23‑80 of the 1976 Code, as last amended by Act 225 of 2014, 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; ~~and~~

(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; and

(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 is also 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. The council must provide by regulation that participation in the SC LEAP program must not be considered in employment decisions.”

SECTION 3. Section 23‑3‑65 of the 1976 code is amended to read:

Section 23‑3‑65. The South Carolina Law Enforcement Division shall administer the South Carolina Law Enforcement Assistance Program (SC LEAP). The purpose of this program includes, but is not limited to, responding to and providing counseling services to all requesting law enforcement agencies and departments in the State which have experienced deaths or other tragedies involving law enforcement officers or other employees as well as providing counseling services to law enforcement officers experiencing post‑traumatic stress disorder and other trauma and stress related disorders, and providing any other critical incident support services for all South Carolina law enforcement agencies and departments upon their request. The SC LEAP may also utilize local critical incident support service providers including, but not limited to chaplains, mental health professionals, and law enforcement peers. In consultation with the professional staff of the SC LEAP and the South Carolina Law Enforcement Chaplains’ Association, the South Carolina Criminal Justice Academy shall develop a course of training for the critical incident stress debriefing and peer support team.

SECTION 4. This act takes effect upon approval by the Governor.

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