**South Carolina General Assembly**

124th Session, 2021-2022

**S. 126**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Massey, Hembree, Bennett, Turner, Adams and Rice

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Introduced in the Senate on January 12, 2021

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

Summary: Officer certification, requirements

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

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

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 183](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 183](file:///h:\sj\20210112.docx))

7/16/2021 Senate Referred to Subcommittee: Senn (ch), Malloy, Kimpson, Matthews, Adams, Garrett, Gustafson

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\126_20201209.docx)

**A** **BILL**

TO AMEND SECTION 23-23-40 OF THE 1976 CODE, RELATING TO THE CERTIFICATION REQUIREMENT FOR LAW ENFORCEMENT OFFICERS, TO REQUIRE LAW ENFORCEMENT OFFICERS TO COMPLETE AN APPROVED FIELD TRAINING PROGRAM, TO PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO IS NOT CERTIFIED SHALL ONLY PERFORM 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 NOT LONGER THAN NINETY DAYS AND SHALL ONLY PERFORM HIS DUTIES AS A LAW ENFORCEMENT OFFICER WHILE ACCOMPANIED BY A CERTIFIED LAW ENFORCEMENT OFFICER.

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

SECTION 1. 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,~~ 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 established by regulation; ~~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.”

B. The provisions of Section 23-23-40(A), as amended by this act, apply to law enforcement officers employed or appointed on or after July 1, 2020.

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

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