

South Carolina General Assembly
121st Session, 2015-2016

A71, R100, S47

STATUS INFORMATION

General Bill

Sponsors: Senators Malloy, Kimpson, Johnson, Pinckney, Thurmond, Setzler, Grooms, Lourie, McElveen, Allen, Shealy, Coleman, Campsen, Scott and Nicholson

Document Path: I:\s-jud\bill\malloy\jud0019.jjg.docx

Companion/Similar bill(s): 3992

Introduced in the Senate on January 13, 2015

Introduced in the House on April 30, 2015

Last Amended on June 4, 2015

Passed by the General Assembly on June 4, 2015

Governor's Action: June 10, 2015, Signed

Summary: Body-worn cameras worn by law enforcement

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/3/2014	Senate	Prefiled
12/3/2014	Senate	Referred to Committee on Judiciary
1/13/2015	Senate	Introduced and read first time (Senate Journal-page 56)
1/13/2015	Senate	Referred to Committee on Judiciary (Senate Journal-page 56)
2/9/2015	Senate	Referred to Subcommittee: Hutto (ch), Corbin, Hembree, Young, Kimpson
4/22/2015	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 7)
4/28/2015	Senate	Read second time (Senate Journal-page 31)
4/29/2015	Senate	Committee Amendment Amended and Adopted (Senate Journal-page 31)
4/29/2015	Senate	Amended (Senate Journal-page 31)
4/29/2015	Senate	Read third time and sent to House (Senate Journal-page 31)
4/29/2015	Senate	Roll call Ayes-41 Nays-3 (Senate Journal-page 31)
4/30/2015	House	Introduced, read first time, placed on calendar without reference (House Journal-page 31)
5/6/2015	House	Requests for debate-Rep(s). Norrell, Quinn, Collins, Kirby, Gagnon, Thayer, Ott, Nanney, Gilliard, Daning, Norman, Hixon, Taylor, Corley, Wells, Pope, Kennedy, Felder, VS Moss, Southard, Toole, Tallon, Bannister, GR Smith, Hoisey, Clyburn, Forrester (House Journal-page 14)
5/7/2015	House	Debate adjourned until Tues., 5-19-15 (House Journal-page 58)
5/12/2015	House	Reconsidered (House Journal-page 52)
5/12/2015	House	Debate adjourned until Wed., 5-13-15 (House Journal-page 53)
5/13/2015	House	Amended (House Journal-page 32)
5/13/2015	House	Read second time (House Journal-page 32)
5/13/2015	House	Roll call Yeas-112 Nays-0 (House Journal-page 45)
5/14/2015	House	Read third time and returned to Senate with amendments (House Journal-page 22)
5/14/2015		Scrivener's error corrected
5/20/2015	Senate	House amendment amended (Senate Journal-page 24)
5/20/2015	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 24)
5/20/2015	Senate	Returned to House with amendments (Senate Journal-page 24)
5/26/2015	House	Non-concurrence in Senate amendment (House Journal-page 58)

5/26/2015	House	Roll call Yeas-3 Nays-99 (House Journal-page 58)
5/27/2015	Senate	Senate insists upon amendment and conference committee appointed Hembree, Malloy, Thurmond (Senate Journal-page 41)
5/28/2015	House	Conference committee appointed Pope, Gilliard, Tallon (House Journal-page 2)
6/4/2015	House	Conference report received and adopted (House Journal-page 14)
6/4/2015	House	Roll call Yeas-113 Nays-0 (House Journal-page 17)
6/4/2015	Senate	Conference report adopted (Senate Journal-page 59)
6/4/2015	Senate	Roll call Ayes-41 Nays-1 (Senate Journal-page 59)
6/4/2015	Senate	Ordered enrolled for ratification (Senate Journal-page 59)
6/4/2015		Ratified R 100
6/10/2015		Signed By Governor
6/17/2015		Effective date 06/10/15
6/18/2015		Act No. 71

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VERSIONS OF THIS BILL

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(A71, R100, S47)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-1-240 SO AS TO DEFINE THE TERM “BODY-WORN CAMERA”; TO REQUIRE ALL STATE AND LOCAL LAW ENFORCEMENT OFFICERS TO IMPLEMENT THE USE OF BODY-WORN CAMERAS PURSUANT TO GUIDELINES ESTABLISHED BY THE LAW ENFORCEMENT TRAINING COUNCIL; TO REQUIRE STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO SUBMIT POLICIES AND PROCEDURES RELATED TO THE USE OF BODY-WORN CAMERAS TO THE LAW ENFORCEMENT TRAINING COUNCIL FOR REVIEW, APPROVAL, OR DISAPPROVAL; TO ESTABLISH A “BODY-WORN CAMERAS FUND”; AND TO PROVIDE THAT DATA RECORDED BY A BODY-WORN CAMERA IS NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.

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

Body-worn cameras, definition, guidelines and policies and procedures, fund, data release

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

“Section 23-1-240. (A) For purposes of this section, ‘body-worn camera’ means an electronic device worn on a person’s body that records both audio and video data.

(B) State and local law enforcement agencies, under the direction of the Law Enforcement Training Council, shall implement the use of body-worn cameras pursuant to guidelines established by the Law Enforcement Training Council.

(C) Within one hundred eighty days after the effective date of this section, the Law Enforcement Training Council shall conduct a thorough study of the use, implementation procedures, costs, and other related aspects associated with body-worn cameras in jurisdictions with body-worn cameras currently in use or which begin their use during this period. The Law Enforcement Training Council shall develop guidelines for the use of body-worn cameras by state and local law enforcement agencies within one hundred eighty days of the effective date of this act. The guidelines must include, but are not limited to, specifying which law enforcement officers must wear body-worn cameras, when body-worn

cameras must be worn and activated, restrictions on the use of body-worn cameras, the process to obtain consent of victims and witnesses before using body-worn cameras during an interview, the retention and release of data recorded by body-worn cameras, and access to the data recorded by body-worn cameras pursuant to subsection (G). The Law Enforcement Training Council shall provide the guidelines to state and local law enforcement agencies. The General Assembly may terminate all or part of the guidelines by resolution.

(D) State and local law enforcement agencies shall develop policies and procedures for the use of body-worn cameras pursuant to the guidelines established by the Law Enforcement Training Council. The agencies shall submit the policies and procedures to the Law Enforcement Training Council within two hundred seventy days of the effective date of this act. The Law Enforcement Training Council shall review and approve or disapprove of the policies and procedures. If the Law Enforcement Training Council disapproves of the policies and procedures, the law enforcement agency shall modify and resubmit the policies and procedures. The Law Enforcement Training Council, by three hundred sixty days from the effective date of this section, shall submit a report to the General Assembly which must include recommendations for statutory provisions necessary to ensure the provisions of this section are appropriately and efficiently managed and carried out and the fiscal impact associated with the use of body-worn cameras as required by this section, updated continuously as necessary.

(E)(1) A 'Body-Worn Cameras Fund' is established within the Department of Public Safety for the purpose of assisting state and local law enforcement agencies, the Attorney General's office, solicitors' offices, and public defenders' offices in implementing the provisions of this section, including, but not limited to, the initial purchase, maintenance, and replacement of body-worn cameras and ongoing costs related to the maintenance and storage of data recorded by body-worn cameras. The Public Safety Coordinating Council shall oversee the fund, and shall, within one hundred eighty days of the effective date of this act, establish a process for the application for and disbursement of monies to state and local law enforcement agencies, the Attorney General's office, solicitors' offices, and public defenders' offices. The Public Safety Coordinating Council shall disburse the funds in a fair and equitable manner, taking into consideration priorities in funding.

(2) Upon approval of a state or local law enforcement agency's policies and procedures by the Law Enforcement Training Council, the agency may apply to the Public Safety Coordinating Council for funding to implement the agency's use of body-worn cameras pursuant to this section, including, but not limited to, the initial purchase, maintenance,

and replacement of body-worn cameras and ongoing costs related to the maintenance and storage of data recorded by body-worn cameras. A state or local law enforcement agency is not required to implement the use of body-worn cameras pursuant to this section until the agency has received full funding.

(F) Nothing in this section prohibits a state or local law enforcement agency's use of body-worn cameras pursuant to the agency's existing policies and procedures and funding while the agency is awaiting receipt of the Law Enforcement Training Council's guidelines, approval of the agency's policies and procedures by the Law Enforcement Training Council, and funding from the Public Safety Coordinating Council. Such an agency is eligible to apply to the Public Safety Coordinating Council for reimbursement, including, but not limited to, the initial purchase, maintenance, and replacement of body-worn cameras and ongoing costs related to maintenance and storage of data recorded by body-worn cameras.

(G)(1) Data recorded by a body-worn camera is not a public record subject to disclosure under the Freedom of Information Act.

(2) The State Law Enforcement Division, the Attorney General, and a circuit solicitor may request and must receive data recorded by a body-worn camera for any legitimate criminal justice purpose.

(3) A law enforcement agency, the State Law Enforcement Division, the Attorney General, or a circuit solicitor may release data recorded by a body-worn camera in its discretion.

(4) A law enforcement agency may request and must receive data recorded by a body-worn camera if the recording is relevant to an internal investigation regarding misconduct or disciplinary action of a law enforcement officer.

(5) In addition to the persons who may request and must receive data recorded by a body-worn camera provided in item (2), the following are also entitled to request and receive such data pursuant to the South Carolina Rules of Criminal Procedure, the South Carolina Rules of Civil Procedure, or a court order:

- (a) a person who is the subject of the recording;
- (b) a criminal defendant if the recording is relevant to a pending criminal action;
- (c) a civil litigant if the recording is relevant to a pending civil action;
- (d) a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related;
- (e) a parent or legal guardian of a minor or incapacitated person described in subitem (a) or (b); and

(f) an attorney for a person described in subitems (a) through (e).”

Time effective

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

Ratified the 4th day of June, 2015.

Approved the 10th day of June, 2015.
