



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 4479 Amended by the House of Representatives on February 28, 2018
Author: Tallon
Subject: Misconduct
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: April 9, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	Undetermined	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

The expenditure impact of this bill, which expands the powers and duties of the South Carolina Law Enforcement Training Council, is undetermined due to the lack of empirical data on the number of such offenses.

Explanation of Fiscal Impact

Amended by the House of Representatives on February 28, 2018

State Expenditure

This bill expands the powers and duties of the South Carolina Law Enforcement Training Council (LETC). The council may appoint attorneys employed by the South Carolina Criminal Justice Academy (CJA) to serve as hearing officers for contested case hearings, and those attorneys may submit recommendations to the LETC. The bill also prohibits a person having a pending allegation of misconduct from being employed as a law enforcement officer or telecommunications officer, having the authority of a law enforcement officer, performing any duties of a law enforcement officer, or exercising the power of arrest until the LETC or an appellate court has issued a decision authorizing the person's employment in those areas.

The CJA will send notice via certified mail to persons against whom allegations of misconduct have been made of their right to a contested case hearing. A contested case hearing must be requested within sixty days of receipt of the notice. If a contested case hearing is not requested within that timeframe, the LETC will order that the person allegedly guilty of misconduct be denied law enforcement or telecommunications certification. When a contested case hearing is

requested, the parties will be notified via certified mail of the hearing officer's recommendation to the full LETC. Motions in opposition to the recommendation must be filed with the LETC within fifteen days of receipt of the notice. Parties who support the recommendation who receive a motion in opposition have ten days within which to file a motion in support with the LETC. The LETC is responsible for reviewing the CJA attorneys' recommendations, hearing transcript, and exhibits and will issue a final agency decision at any time other than at a quarterly or special meeting.

In addition, this bill requires the CJA to schedule contested case hearings within sixty days of receiving a request for a hearing. It also prohibits allegations of law enforcement certification misconduct from being accepted in an original personnel change in status form, amended form, or any other form more than thirty days after an officer's separation from an agency except under extenuating circumstances. Further, it requires that all information concerning separation of law enforcement officers be submitted by a certified law enforcement entity and specifies that the willful submission of false or misleading statements to the CJA or its representatives constitutes law enforcement certification misconduct that must be addressed by the LETC.

Law Enforcement Training Council (LETC). This bill enables the LETC to appoint Criminal Justice Academy attorneys to serve as hearing officers for contested case hearings. If the number of cases to be heard increases as a result of the bill, the LETC will incur additional court reporting fees that it can manage within current resources. However, if the number of cases to be heard significantly increases as a result of the bill, the LETC may entail the appointment of an additional attorney. Therefore, the expenditure impact on the General Fund is undetermined.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director