



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 4479 Signed by Governor on May 18, 2018
Author: Tallon
Subject: Misconduct
Requestor: House of Representatives
RFA Analyst(s): Gardner
Impact Date: July 20, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	\$0	\$0
Other and Federal	Undetermined	\$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 revises the process for addressing allegations of misconduct against a law enforcement officer (LEO) or an applicant, is undetermined for the South Carolina Law Enforcement Training Council (LETC) because it is unknown how many LEOs or applicants will seek a contested case hearing due to allegations of misconduct. Therefore, the Other Funds expenditure impact is undetermined.

This bill will have no impact on the State Law Enforcement Division since it already completes these investigations within the prescribed timeframe.

Revenue and Fiscal Affairs (RFA) anticipates no civil penalty revenue from this bill as we expect a sheriff, or the chief executive officer of a law enforcement agency or department to comply with these requirements.

The Municipal Association of South Carolina (MASC), Charleston County, Florence County, Horry County, and Lancaster County law enforcement agencies report that no expenditure impact is anticipated since the agencies are not responsible for conducting these investigations.

Explanation of Fiscal Impact

Signed by Governor on May 18, 2018

State Expenditure

The LETC may appoint attorneys employed by the South Carolina Criminal Justice Academy (CJA) to serve as hearing officers for contested case hearings when an allegation of misconduct

has been received by the LETC. These attorneys may submit recommendations to the LETC. Previously, council members served as hearing officers when misconduct was alleged and made recommendations to the LETC. The LETC is the governing body of the CJA and hires its director.

The bill requires that a sheriff or chief executive officer of a law enforcement agency or department must report to the CJA within 15 days, all acts of misconduct by a law enforcement officer or applicant that could result in a loss of certification. The CJA must notify an officer against whom an allegation of misconduct has been filed. A person against whom an allegation of misconduct has been received by the CJA may request a contested case hearing. The LETC may enter a final agency decision to either deny the person law enforcement certification or telecommunications certification for a specified time period or issue a permanent denial.

The State Law Enforcement Division, the appropriate investigating agency, or the internal affairs division of the agency must complete investigations for allegations of misconduct of a law enforcement officer within 90 days from the date of the request for a hearing by the officer unless they seek leave from the hearing officer to extend for a specified time period. Any findings by a law enforcement agency as to the use of excessive force by a law enforcement officer must be reported to the CJA within 30 days of the finding, and information on the investigation must be retained by the CJA for investigative and personnel hiring purposes.

Law Enforcement Training Council (LETC). This bill authorizes the LETC to appoint CJA attorneys to serve as hearing officers for contested case hearings when there is an allegation of misconduct. If the number of cases heard increases as a result of the bill, the LETC will incur additional court reporting fees that it can manage within current resources. However, should the number of cases increase significantly, the LETC may need to hire an additional attorney. Since it is unknown how many law enforcement officers or applicants will seek a contested case hearing, the Other Funds expenditure impact is undetermined.

State Law Enforcement Division (SLED). This bill requires SLED to complete investigations for allegations of misconduct of a law enforcement officer within 90 days from the date of a request for a contested case hearing. SLED reports that since it already completes these investigations within the prescribed timeframe, the bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds of the agency.

State Revenue

A sheriff or chief executive officer of a law enforcement agency or department who willfully fails to report an act of misconduct is subject to a civil penalty as provided by the LETC. RFA anticipates no civil penalty revenue from this provision as we expect a sheriff, or the chief executive officer of a law enforcement agency or department to comply with these requirements.

Local Expenditure

This bill requires SLED, the appropriate investigating agency, or the internal affairs division of an agency to complete investigations for allegations of misconduct of a law enforcement officer within 90 days from the date of a request for a contested case hearing. The Revenue and Fiscal Affairs Office (RFA) contacted 46 county governments and the Municipal Association of South

Carolina (MASC) regarding the expenditure impact of this bill. The MASC, Charleston County, Florence County, Horry County, and Lancaster County law enforcement agencies report that no expenditure impact is anticipated since the agencies are not responsible for conducting these investigations.

Local Revenue

N/A



Frank A. Rainwater, Executive Director