
Stewart Konduros & Associates, LLC

Workers' Compensation

H 3147 General Bill, By Pope, Tallon and Southard is bill that amends Subsection 42-1-160, relating to the definitions of "injury" and "personal injury" in workers' compensation, so as to modify the requirements of an employee seeking workers' compensation connected with stress, mental injury, or mental illness associated with official duties. Referred to House Judiciary

ISSUE

A law enforcement officer shot and killed a suspect while on duty and the courts declined his workers' compensation claim for personal injury caused by post traumatic stress because the event in their opinion was not considered an extraordinary and unusual employment condition making the post traumatic stress claim stemming from the shooting ineligible to be compensable under the Workers' Compensation Act. H.3147 amends the law to include these types of disorders.

Income Tax

H 3089 General Bill, By [Pope](#), [Tallon](#), [Hixon](#), [Wells](#) and [McCoy](#) is a bill relating to deductions allowed from South Carolina taxable income of an individual for purposes of the South Carolina Income Tax Act, so as to allow a maximum three thousand dollars a year deduction for volunteer state constables designated by the state law enforcement division as state constables and to provide the eligibility requirements for this deduction. The amendment is as written below:

"(a) A deduction calculated as provided in this item for a volunteer firefighter, rescue squad member, volunteer member of a Hazardous Materials (HAZMAT) Response Team, reserve police officer, Department of Natural Resources deputy enforcement officer, ~~or a~~ member of the State Guard, or a volunteer state constable appointed pursuant to Section 23-1-60 for the purpose of assisting named law enforcement agencies and who has been designated by the State Law Enforcement Division as a state constable not otherwise eligible for this exemption." Referred to House Ways and Means

S 24 by Sheheen, **S 17** by Grooms - There are several bills in the House and Senate that address an income tax credit to taxpayers. The bills provide a refundable tax credit for cost and expenses incurred by the taxpayer for maintaining identity fraud and theft protection services. As the bills begin to progress, updates will be provided. Referred to Senate Finance.

Retirement Disability

No bill filed to date, however, Act 278 (2012 Retirement Act) requires determination of disability by the Social Security Administration to be eligible for SCRS or PORS disability. The provisions of this Act do not take effect until December 31, 2013. The Act required the SCRS to conduct a study on revisions to eligibility for disability and provide the report the chairmen of Senate Finance Committee and the House Ways and Means Committee by December 1, 2012 which has been done. Meetings with Senate staff and conversations with Senate members indicate that the joint committee to be appointed by the Chairman of Senate Finance and the Chairman of Ways and Means must come together to discuss the report and determine what recommendations

they will be making regarding the Retirement Disability issue (report attached). The report “Revisions to the Disability Retirement Provisions of the south Carolina Retirement System and South Carolina Police Officers’ Retirement System under Act 278 of 2012” has been published. **The Public Safety Coalition met on January 22, 2013 at 10am at the SC Sheriffs’ Association Conference room to discuss the report. SKA scheduled a meeting with Senator Setzler (Chairman of the SFC Retirement Subcommittee) for Thursday, January 31, 2013 to discuss the report.**

Weapons

There are 11 bills filed which address firearms. Some bills address the right to carry, others child safety, etc. As the bills begin to be discussed, updates regarding their progress will be reported so that recommendations by the group (if desired) can be provided to the membership of the General Assembly.

Consolidation/Restructuring

S.22 [Sheheen](#), [Massey](#), [L. Martin](#), [Hayes](#) and [Campsen](#) and **S.28** by Campsen both offer “The SC Restructuring Act of 2013” and will be discussed in Judiciary Committee. The bills abolish the Budget and Control Board and transfers certain powers and duties from the Budget and Control Board, the Governor’s Office and other agencies to the newly created Department of Administration. The Director of the Department of Administration would be appointed by the Governor with advice and consent of the Senate. Referred to Senate Judiciary. S.22 was discussed in Full Senate Judiciary Committee on Tuesday, January 22, 2013 at 3pm in 105 Gressette and given a favorable report. **The bill is on the Senate Calendar.**

H 3043 General Bill, by [Pitts](#) and [G.R. Smith](#) is a bill that creates the South Carolina Department of Law Enforcement and Public Safety which primarily combines the Department of Public Safety and SLED. Referred to House Judiciary.

H 3120 General Bill, By [Crosby](#) is a bill to create the South Carolina State Police which primarily combines the Department of Public Safety and SLED into a State Police agency. Referred to House Judiciary.

Criminal

H 3024 General Bill, By [McCoy](#), [Henderson](#) and [Long](#) is a bill relating to persons required to report child abuse or neglect requiring any person in this state to report suspected child abuse or neglect. **Referred to House Judiciary.**

H 3064 General Bill, By [McCoy](#) is a bill to create the offense of attempted murder of a law enforcement officer and provide a mandatory minimum penalty. Representative Tallon has agreed to amend the bill to include firefighters in the language as well. Referred to House Judiciary.

H 3039 General Bill, By [Rutherford](#) proposes a bill to provide that certain statements made during a custodial interrogation must be video recorded, to provide that a court must instruct a jury that it may draw an adverse inference for a law enforcement officer who fails to video record a statement relating to a crime, to provide the circumstance in which a person's statement may be used for impeachment purposes, to provide the circumstances when a statement obtained in another state or by the federal government is admissible in this state and to provide the circumstances when an inaudible portion of a video recording does not render it inadmissible in a judicial proceeding. Referred to House Judiciary.

H 3192 General Bill, By [Rutherford](#) proposes a bill making it unlawful for a law enforcement agency to use or employ an automatic number plate recognition system and to provide a penalty (\$1,000 for each violation which will be remitted to the general fund of the state). Referred to House Judiciary.