
Stewart Konduros & Associates, LLC

SCFOP

The House of Representatives is furloughed the week of May 6-10, 2013

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, modifies the requirements of an employee seeking workers' compensation connected with stress, mental injury, or mental illness associated with official duties. Referred to House Judiciary. **H.3147 was reported out of House Judiciary committee favorably (law enforcement only) and is on the House calendar and up for 2nd reading. H 3147 is on the contested calendar.**

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.

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 dollar 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.

Retirement Disability

S.484 (PORS Retirement Disability) Current law 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. Senator Setzler introduced a bill 3/6/13 to delete the requirement that PORS members' eligibility to receive retirement disability must be tied to social security standards. **This bill was passed by the Senate and sent to the House where it has been referred to the House Ways and Means Committee.**

The public safety coalition is scheduled to meet with Ways and Means members and staff on Tuesday, May 14, 2013 at 11am to discuss the bill.

H.3378 (Volunteer Appreciation Act) by Rep. Sandifer Notwithstanding another provision of law, this legislation provides that the governing body of a local government may authorize the distribution of a gratuitous year-end or holiday monetary or other type of gift to the following categories of volunteer service personnel: (1) reserve law enforcement officers; (2) volunteer firefighters; or (3) volunteer emergency medical service personnel. If the governing body of a local government elects to authorize the distribution of a gratuitous year-end or holiday monetary or other type of gift, the legislation requires that it ensure all personnel in that respective category are treated equally. H.3378 was passed by the House of Representatives and is currently in Senate Judiciary. **Referred to Subcommittee: Senator(s): Rankin, Scott and Thurmond. Currently there is no meeting scheduled to discuss the bill.**

Charitable Funds Act

H.3367 General Bill, by Representative JE Smith makes various revisions relating to the "South Carolina Solicitation of Charitable Funds Act". Among other things, the legislation revises definitions and certain filing requirements for those conducting business in South Carolina. Revisions to the Charitable Funds Act include cleanup language offered by the Secretary of State. **H.3367 was passed by the House and sent to the Senate where it was referred to Senate Judiciary on March 21, 2013.**

Raffles

S.213 General Bill, by Senator Cleary, outlines conditions under which raffles can be operated, and goes into effect only if a constitutional amendment S.239 is also passed. **S.213 was passed by both the House and the Senate, Ratified 4/18/2013 and signed by the Governor 4/23/2013.**

S.239 Constitutional Amendment, by Senator Cleary, seeks to change the state constitution, which currently only allows the state to conduct lotteries, to allow the General Assembly to legalize raffles for charitable purposes. It does not legalize any other kind of lottery. If passed, this would require a public referendum in Fall 2014 before the constitution can be changed. **S.213 was passed by both the House and the Senate and Ratified 4/18/2013. No signature required.**

Consolidation/Restructuring

S.22 General Bill, by Senator Sheheen proposes to eliminate the State Budget and Control Board, devolving most of its functions upon a newly created Department of Administration in the executive branch of government and transferring select functions to other entities, the State Fiscal Accountability Authority, Rural Infrastructure Authority, and the South Carolina Confederate Relic Room and Military Museum Commission. The legislation transfers the Energy Office to the Office of Regulatory Staff and transfers regulation of minerals and mineral interests on public lands and the regulation of Geothermal Resources into the Department of Health and Environmental Control. The legislation also includes provisions for legislative oversight of executive departments authorizing committees of the General Assembly to conduct periodic reviews of state government functions. Among other things, the legislation enacts the "State Agency Deficit Prevention and Recognition Act"; revises the name of the Office of Legislative Printing, Information and Technology Systems to Legislative Services Agency and provides for a Legislative Fiscal Office responsible for revenue and fiscal impact statements as a division the Legislative Services Agency; establishes an Executive Budget and Strategic Planning Office within the Department of Administration; adds members to the Charleston Naval Complex Redevelopment Authority and establishes the Charleston Navy Base Museum Authority as a division of the Charleston Naval Complex Redevelopment Authority to undertake the duties and responsibilities of the Hunley Commission; and in 2020 requires the Legislative Audit Council to conduct a performance review of these provisions to determine its effectiveness and achievements with regard to the more efficient performance of the functions and duties of the various agencies and the cost savings and benefits to the State. While the legislation ultimately eliminates the

State Budget and Control Board, it does include provisions for information security within the Board. S.22 was passed by the Senate and sent to the House where it was referred to House Judiciary. Note: Similar bill H.3646 includes a component that eliminates PEBA but places the function with the Department of Administration. **S.22 has passed the Senate and is on the House calendar up for 2nd reading (contested calendar).**

H 3043 General Bill, by [Pitts](#) and [G.R. Smith](#) 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. **Currently there is no meeting scheduled to discuss the bill.**

H 3120 General Bill, By [Crosby](#) creates the South Carolina State Police which primarily combines the Department of Public Safety and SLED into a State Police agency. Referred to House Judiciary. **Currently there is no meeting scheduled to discuss the bill.**

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. H.3024 was taken up by the Family and Probate Laws Subcommittee and amended to tighten the language whereby certain professions (firefighters) were added rather than stating “any person” would be required to report child abuse or neglect. Law enforcement already required to report. **H 3024 bill is on the House Calendar and up for 2nd reading. Debate has been requested which moves the bill to the contested calendar.**

H 3064 General Bill, By [McCoy](#) creates 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. **Currently there is no meeting scheduled to discuss the bill.**

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. **Currently there is no scheduled meeting for this bill.**

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. **Currently there is no scheduled meeting for this bill.**

H 3038 General Bill, By [Rutherford](#) revises the permitted level of light transmission from 27% to 20% window tinting installed on the windshield, side windows and rear window of a motor vehicle. **Continue to work with Public Safety Coalition and House Education staff regarding officer safety concerns. Currently there is no scheduled meeting for this bill.**

Weapons

S 308 (Firearms/CWP) By [Bennett](#), [Shealy](#), [Grooms](#), [Hembree](#), [L. Martin](#), [Massey](#), [Campbell](#), [Turner](#), [Thurmond](#), [Bryant](#), [Verdin](#), [S. Martin](#), [Davis](#) and [Bright](#). Similar ([S 0276](#)) is about carrying of a concealed weapon in a business that sells alcohol to be consumed on the premises, to permit the possession of a weapon unless notice of a prohibition is provided by the business, to prohibit the consumption of alcoholic beverages in a business by someone carrying a firearm, and to reduce the penalties for violations. S.308 was passed out of Full Senate Judiciary with a minority report on the bill. **S.308 was passed by the Senate and has been sent to the House where it was referred to House Judiciary 4/24/13.** Currently there is no scheduled meeting for this bill.

S.115 (Open Carry Bill) By Bright, et. al. allows for open carry of a handgun without need of a permit in South Carolina. The bill would take away the need for the permit and training. While it has the backing of gun supporters, police officers and law enforcement groups are a little more leery. Some worry about having people carrying guns in public with no training on how to use them. . **This bill is in Senate Judiciary and sitting on the agenda to be discussed by the full committee.**

H.3069 (Weapons) Reps. Pitts and Simrill provides that a person who steals a firearm is guilty of the felony offense of theft of a firearm and, upon conviction, must be fined not more than \$5,000 dollars and imprisoned for a mandatory minimum of seven years not more than ten years. No part of the mandatory minimum term of imprisonment may be suspended nor probation granted. **The bill was referred House Judiciary and placed in the General Laws Subcommittee. Currently there is no scheduled meeting for this bill.**

H.3044 (Fraudulent Firearms and Ammunition Purchase Prevention) by Reps Pitts et al. provides that it is unlawful for a person to knowingly solicit, persuade, encourage or entice a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate state or federal laws. The legislation provides that it is unlawful for a person to knowingly provide to a licensed dealer or private seller of firearms or ammunition materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition. The legislation provides it is unlawful for a person to willfully procure another person to engage in conduct prohibited by this legislation. This legislation does not apply to a law enforcement officer acting in his official capacity or to a person acting at the direction of a law enforcement officer. A person who violates these provisions is guilty of a felony and, upon conviction, must be fined not more than \$5,000, or imprisoned for not more than five years, or both. **The bill was referred to House Judiciary and placed in the General Laws Subcommittee. Currently there is no scheduled meeting for this bill.**

H. 3451 (Uniform Traffic Ticket) Reps. Tallon, Cole, Forrester, Kennedy, Murphy, Pope, Rutherford and Weeks: is a bill relating to the offenses that a person may be charged on a uniform traffic ticket, so as to provide that the offenses of shoplifting and criminal domestic violence must be charged on a uniform traffic ticket. **This bill is in Senate Judiciary and sitting on the agenda to be discussed by the full committee.**

H 3822 (Concealed Weapon Permit) Reps Pitts et al. makes various revisions relating to concealable weapons permits. Relating to definitions for purposes of concealable weapons permits, the legislation deletes the definitions of "resident", "qualified nonresident", "proof of residence", and "proof of ownership of real property" and revises the definitions of "picture identification" and "proof of training". The legislation revises the requirements that must be met in order to receive a concealable weapons permit. The legislation increases the application fee for a permit for residents of the state to \$100, and it creates a nonresident application fee of \$150. The legislation allows permit applications to be submitted online with SLED. The legislation revises the list of places where a person may not carry a concealable weapon and provides that a person may not carry a concealable weapon into a place clearly marked with a sign prohibiting the carrying of a concealable weapon. The legislation provides that a permit is valid for five years rather than four years, and it requires SLED to send a renewal notice at least thirty days before a permit expires. The legislation repeals Section 23-31-240 relating to persons allowed to carry a concealable weapon while on duty. The bill was referred to House Judiciary General Laws Subcommittee passed the bill out favorably with amendment which amends the bill back to current law in regards concerning out of state CWP holders. **H 3822 was amended in House Judiciary to allow CWP holders to store their weapons under the seat of their vehicle. The bill was passed by the House of Representatives and sent to the Senate where it was referred to Senate Judiciary.**

H 3908 General Bill by Willis, et.al includes changes to sample license plate fee structure, souvenir license plate sales and special license plate design uniformity. Specifically the bill requires that the Department of Motor Vehicles must develop a basic license plate design for all special organizational license plates which must be issued for all organizational license plates requested after July 1, 2013. **The Motor Vehicles subcommittee of the House Education and Public Works Committee adjourned debate on the bill during its meeting on Wednesday, April 17, 2013. Currently, there is no scheduled committee meeting for this bill.**