**South Carolina General Assembly**

125th Session, 2023-2024

**A56, R65, S252**

**STATUS INFORMATION**

General Bill

Sponsors: Senators M. Johnson, Adams, Kimbrell, Reichenbach, Senn, Garrett and Malloy

Document Path: SJ-0003BM23.docx

Introduced in the Senate on January 10, 2023

Introduced in the House on March 30, 2023

Last Amended on May 4, 2023

Currently residing in the Senate

Governor's Action: May 19, 2023, Signed

Summary: Law Enforcement and Judicial Personal Info Protection

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 128)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 128)

 1/12/2023 Senate Referred to Subcommittee: Hutto (ch), Matthews,
 Rice, Senn, Adams

 3/3/2023 Senate Referred to Subcommittee: Hutto (ch), Matthews,
 Rice, Senn, Adams

 3/15/2023 Senate Committee report: Favorable **Judiciary** (Senate Journal‑page 16)

 3/16/2023 Scrivener's error corrected

 3/21/2023 Senate Committee Amendment Adopted (Senate Journal‑page 60)

 3/22/2023 Scrivener's error corrected

 3/28/2023 Senate Amended (Senate Journal‑page 66)

 3/28/2023 Senate Read second time (Senate Journal‑page 66)

 3/28/2023 Senate Roll call Ayes-41 Nays-0 (Senate Journal‑page 66)

 3/29/2023 Scrivener's error corrected

 3/29/2023 Senate Read third time and sent to House (Senate Journal‑page 18)

 3/30/2023 House Introduced and read first time (House Journal‑page 24)

 3/30/2023 House Referred to Committee on **Judiciary** (House Journal‑page 24)

 5/3/2023 House Committee report: Favorable with amendment **Judiciary** (House Journal‑page 93)

 5/4/2023 House Amended (House Journal‑page 103)

 5/4/2023 House Read second time (House Journal‑page 103)

 5/4/2023 House Roll call Yeas-108 Nays-0 (House Journal‑page 103)

 5/4/2023 House Unanimous consent for third reading on next legislative day (House Journal‑page 106)

 5/5/2023 House Read third time and returned to Senate with amendments (House Journal‑page 19)

 5/8/2023 Scrivener's error corrected

 5/10/2023 Senate Concurred in House amendment and enrolled (Senate Journal‑page 94)

 5/10/2023 Senate Roll call Ayes-45 Nays-0 (Senate Journal‑page 94)

 5/17/2023 Ratified R 65

 5/19/2023 Signed By Governor

 5/26/2023 Effective date 07/01/2024

 5/26/2023 Act No. 56

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**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/252_20221130.docx)

[03/15/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/252_20230315.docx)

[03/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/252_20230316.docx)

[03/21/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/252_20230321.docx)

[03/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/252_20230322.docx)

[03/28/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/252_20230328.docx)

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/252_20230329.docx)

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/252_20230504.docx)

[05/05/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/252_20230505.docx)

[05/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/252_20230508.docx)

 5/10/2023 Senate Roll call Ayes-45 Nays-0 ([Senate Journal‑page 94](file:///h%3A%5Csj%5C20230510.docx))

 5/17/2023 Ratified R 65 ([Senate Journal‑page 19](file:///h%3A%5Csj%5C20230517.docx))

 5/19/2023 Signed By Governor

 5/26/2023 Effective date 07/01/2024

 5/26/2023 Act No. 56

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[03/15/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/252_20230315.docx)

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(A56, R65, S252)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 2, TITLE 30 SO AS TO ENACT THE “LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT”, TO GIVE LAW ENFORCEMENT OFFICERS THE OPTION OF MAKING PERSONAL CONTACT INFORMATION HELD BY STATE OR LOCAL GOVERNMENTS CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE, AND TO PROVIDE LIMITED EXCEPTIONS, TO PROVIDE RELATED PROCEDURES FOR EXERCISING THIS OPTION, AMONG OTHER THINGS; TO PROVIDE THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL CREATE A FORM FOR USE BY LAW ENFORCEMENT OFFICERS WHEN REQUESTING NONDISCLOSURE OF PERSONAL CONTACT INFORMATION, AND TO SPECIFY REQUIREMENTS FOR THE FORM; BY ADDING ARTICLE 7 TO CHAPTER 2, TITLE 30 SO AS TO ENACT THE “JUDICIAL PERSONAL PRIVACY PROTECTION ACT”, TO GIVE ACTIVE OR FORMER MEMBERS OF THE JUDICIARY THE OPTION OF MAKING PERSONAL CONTACT INFORMATION HELD BY STATE OR LOCAL GOVERNMENTS CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE, TO PROVIDE LIMITED EXCEPTIONS, AND TO PROVIDE RELATED PROCEDURES FOR EXERCISING THIS OPTION, AMONG OTHER THINGS; AND TO PROVIDE SOUTH CAROLINA COURT ADMINISTRATION SHALL CREATE A FORM FOR USE BY ACTIVE OR FORMER MEMBERS OF THE JUDICIARY WHEN REQUESTING NONDISCLOSURE OF PERSONAL CONTACT INFORMATION, AND TO SPECIFY REQUIREMENTS FOR THE FORM.

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

Law Enforcement Personal Information Privacy Protection Act

SECTION 1. Chapter 2, Title 30 of the S.C. Code is amended by adding:

 Article 5

 Law Enforcement Personal Privacy Protection Act

 Section 30‑2‑500. For the purposes of this article:

 (1) “Personal contact information” means the home address or personal cellular telephone number of the eligible requesting party.

 (2) “Eligible requesting party” means an active or former law enforcement officer who has filed a formal request under the provision of this article.

 (3) “Law enforcement officer” means an active or former federal, state, or local certified law enforcement officer or corrections officer.

 Section 30‑2‑510. (A) Information that relates to the personal contact information of an eligible requesting party and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public by the state or local government agency if the law enforcement officer:

 (1) notifies the state or local government agency of the law enforcement officer’s choice to restrict public access to or posting of personal contact information by submission of a form produced by the South Carolina Criminal Justice Academy; and

 (2) provides a verification of current employment or previous employment as a law enforcement officer to include contact information for his employer.

 (B) A choice made under this article remains valid with the following exceptions:

 (1) the law enforcement officer rescinds the request in writing and provides notice to the state or local government agency;

 (2) the state or local government agencies disclose personal contact information related to violations of law or regulation as permitted by law;

 (3) the law enforcement officer requests release of the law enforcement officer’s personal contact information from a state or local government agency for a specific purpose and for a limited time; or

 (4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles as permitted by law.

 (C) Information protected under the provisions of this article may be disclosed to another governmental agency, under subpoena, by order of the court, or upon written consent of the eligible law enforcement officer.

 (D) Any personal contact information as defined under this article must be redacted from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent the disclosure of any other otherwise public information allowed by law.

 (E) A governmental agency that redacts or withholds information under this article shall provide to the requestor a description of the redacted or withheld information and a citation to this act.

 (F) Nothing in this article shall be construed to limit access to otherwise protected information in public records by applicable law including, but not limited to, the Driver’s Privacy Protection Act (18 U.S.C.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.).

Criminal Justice Academy responsibilities

SECTION 2. The South Carolina Criminal Justice Academy shall create a form for law enforcement officers to use to request a state or local government agency restrict public access or posting of personal contact information. The form must contain fields for the following information: legal name, date of birth, home address, driver’s license number, personal email address, law enforcement identification number, law enforcement agency, federal employee number (if applicable), dates of service, service status, and an exception section to permit disclosure of personal contact information for a specific purpose for a limited time.

Judicial Personal Privacy Protection Act

SECTION 3. Chapter 2, Title 30 of the S.C. Code is amended by adding:

 Article 7

 Judicial Personal Privacy Protection Act

 Section 30-2-700. For the purpose of this article:

 (1) “Personal contact information” means the home address or personal cellular telephone number of the eligible requesting party.

 (2) “Eligible requesting party” means an active or a former judge who has filed a formal request under the provisions of this article.

 Section 30-2-710. (A) Information that relates to the personal contact information of an eligible requesting party and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public by the state or local government agency if the judge:

 (1) notifies the state or local government agency of the judge’s choice to restrict public access to or posting online of personal contact information by submission of a form provided by the South Carolina Court Administration; and

 (2) provides verification of current or prior service as a judge from the South Carolina Court Administration.

 (B) A choice made under this article remains valid with the following exceptions:

 (1) the judge rescinds in writing the request to restrict public access to or posting online of personal contact information and provides notice to the state or local government agency;

 (2) the state or local government agencies disclose personal contact information related to violations of law or regulation, as permitted by law;

 (3) the judge requests release of the judge’s personal contact information from a state or local government agency for a specific purpose and for a limited time; or

 (4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles, as permitted by law.

 (C) Personal contact information provided under the provisions of this article may be disclosed to another government agency, under subpoena, by order of the court, or upon written consent of the eligible judge.

 (D) Any personal contact information, as defined under this article, must be redacted from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent disclosure of other public information otherwise allowed by law.

 (E) A state or local government agency that redacts or withholds information under this article shall provide to the requestor a description of the redacted or withheld information and a citation to this article.

 (F) Nothing in this article shall be construed to limit access to otherwise protected information available by applicable law including, but not limited, to the Driver’s Privacy Protection Act (18 U.S.C.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C.A. Section 1681, et seq.).

Court Administration responsibilities

SECTION 4. The South Carolina Court Administration shall create a form for judges to use to request a state or local government agency restrict public access or posting of personal contact information. The form must contain fields for the following information: legal name, date of birth, home address, driver’s license number, personal email address, dates of service, status of service, and an exception section to notify a state or local government agency of rescission of the request to protect personal contact information and to permit disclosure of personal contact information for a specific purpose and for a limited time.

Time effective

SECTION 5. This act takes effect on July 1, 2024.

Ratified the 17th day of May, 2023.

Approved the 19th day of May, 2023.

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