**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11‑11‑240 SO AS TO CREATE THE IDENTITY THEFT PROTECTION FUND TO PROVIDE IDENTITY THEFT PROTECTION FOR CERTAIN TAXPAYERS, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL APPROPRIATE AN AMOUNT NECESSARY TO THE FUND FOR THE NEXT FIVE FISCAL YEARS IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

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

SECTION 1. Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11‑11‑240. (A) There is created in the state treasury a fund separate and distinct from the general fund of the State, the Capital Reserve Fund, and all other funds entitled the Identity Theft Protection Fund. Subject to subsection (B), earnings and interest on the fund must be credited to it and any balance in the fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The fund only may be appropriated for the provision of identity theft protection for every taxpayer that filed a return with the Department of Revenue for any taxable year after 1997 and before 2012, and every taxpayer whose identifying information was contained on such a return. Unless the General Assembly provides otherwise in the annual general appropriations act, the Department of Revenue, in consultation with the State Budget and Control Board, shall procure the identity theft protection. For purposes of this section, ‘identity theft protection’ means a product or service that attempts to prevent someone from using the taxpayer’s personal or financial information to fraudulently obtain resources, credit, or other benefits in the taxpayer’s name.

(B) In the annual general appropriations act, the General Assembly shall appropriate an amount necessary to provide identity theft protection for all qualifying taxpayers. The General Assembly shall make the necessary appropriation through Fiscal Year 2017‑2018. On July 1, 2018, the fund is abolished and any monies remaining in the fund shall lapse to the general fund.”

SECTION 2. This act takes effect upon approval by the Governor and first applies to the Fiscal Year 2013‑2014 annual general appropriations act.

‑‑‑‑XX‑‑‑‑