**South Carolina General Assembly**

122nd Session, 2017-2018

**S. 912**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Jackson, Allen, Reese, Shealy, Talley, Johnson, Campbell, Sabb, Gambrell, Nicholson and Rankin

Document Path: l:\council\bills\nbd\11198cz18.docx

Companion/Similar bill(s): 4879

Introduced in the Senate on January 23, 2018

Introduced in the House on April 11, 2018

Last Amended on March 29, 2018

Currently residing in the House Committee on **Judiciary**

Summary: Private investigators

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/23/2018 Senate Introduced and read first time ([Senate Journal‑page 10](file:///h:\sj\20180123.docx))

1/23/2018 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 10](file:///h:\sj\20180123.docx))

3/13/2018 Senate Committee report: Favorable **Labor, Commerce and Industry** ([Senate Journal‑page 15](file:///h:\sj\20180313.docx))

3/14/2018 Scrivener's error corrected

3/22/2018 Senate Amended ([Senate Journal‑page 33](file:///h:\sj\20180322.docx))

3/29/2018 Senate Amended ([Senate Journal‑page 41](file:///h:\sj\20180329.docx))

3/29/2018 Senate Read second time ([Senate Journal‑page 41](file:///h:\sj\20180329.docx))

3/29/2018 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 41](file:///h:\sj\20180329.docx))

4/10/2018 Senate Read third time and sent to House ([Senate Journal‑page 44](file:///h:\sj\20180410.docx))

4/11/2018 House Introduced and read first time ([House Journal‑page 7](file:///h:\hj\20180411.docx))

4/11/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 7](file:///h:\hj\20180411.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=912&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/23/2018](file:///p:\pprever\2017-18\912_20180123.docx)

[3/13/2018](file:///p:\pprever\2017-18\912_20180313.docx)

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AMENDED

March 29, 2018

**S. 912**

Introduced by Senators Jackson, Allen, Reese, Shealy, Talley, Johnson, Campbell, Sabb, Gambrell, Nicholson and Rankin

S. Printed 3/29/18--S.

Read the first time January 23, 2018.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑18‑75 SO AS TO PROHIBIT A PRIVATE INVESTIGATION BUSINESS FROM KNOWINGLY REPRESENTING MULTIPLE PARTIES WITH OPPOSING INTERESTS IN CIVIL OR CRIMINAL MATTERS AND TO PROVIDE PENALTIES.

Amend Title To Conform

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

SECTION 1. Chapter 18, Title 40 of the 1976 Code is amended by adding:

“Section 40‑18‑75. (A) No private investigator or any member of the private investigator’s private investigation business shall reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is implicitly authorized in order to carry out the representation, or the disclosure is permitted by subsection (B).

(B) A private investigator may reveal information relating to the representation of a client to the extent that the private investigator reasonably believes necessary:

(1) to prevent the client from committing a criminal act;

(2) to prevent reasonably certain death or substantial bodily harm;

(3) to secure legal advice about the private investigator’s compliance with all applicable laws and regulations;

(4) to establish a claim or defense on behalf of the private investigator in a controversy between the private investigator and the client, to establish a defense to a civil claim against the private investigator based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the private investigator’s representation of the client; or

(5) to comply with other law or a court order.

(C) It is unlawful for a private investigator or any member of the private investigator’s private investigation business to:

(1) knowingly represent a person whose interests are materially adverse to that of any of the private investigator’s current or former clients, unless the relevant current or former client, as applicable, gives informed consent;

(2) use information relating to the representation to the disadvantage of a current or former client, except as specifically permitted by these rules or when the information has become generally known; or

(3) reveal information in violation of this section.

(D) A person who willfully violates the provisions of this section is subject to a civil penalty pursuant to Section 40-18-130.”

SECTION 2. This act takes effect upon approval by the Governor.

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