**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑20‑755 SO AS TO REQUIRE CERTAIN FACILITIES AND PROGRAMS OF THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS TO INSTALL AND OPERATE VIDEO MONITORING EQUIPMENT IN COMMON AREAS AND TO MAINTAIN COPIES OF THE RECORDINGS, TO REQUIRE THESE FACILITIES AND PROGRAMS TO POST A NOTICE THAT VIDEO MONITORING IS CONDUCTED IN COMMON AREAS AND OBTAIN CONSENT FROM OR ON BEHALF OF RESIDENTS, TO PROHIBIT TAMPERING WITH OR DESTROYING THE VIDEO MONITORING EQUIPMENT AND RECORDINGS, TO CREATE CRIMINAL PENALTIES AND SANCTIONS, AND FOR OTHER PURPOSES.

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

SECTION 1. Article 5, Chapter 20, Title 44 of the 1976 Code is amended by adding:

“Section 44‑20‑755. (A) A facility or program licensed or otherwise authorized by the department to provide twenty-four hour supervised living services including, but not limited to, non-foster care community training homes and regional residential centers, shall install and operate video monitoring equipment in common areas. The video monitoring equipment must not have an audio component and must be positioned not to record in a bedroom, bathroom, or other noncommon area. The operator of the facility or program shall post a conspicuous notice for residents and visitors stating that video monitoring is conducted in common areas.

(B) The department shall develop a form that must be signed by the person who is the prospective resident, or the person’s parents, parent with legal custody, or lawful custodian or legal guardian, before moving into the facility or program consenting to the use of video monitoring in accordance with this section and waiving any claim to a right of privacy associated with authorized video monitoring.

(C) The facility or program shall maintain copies of video monitoring recordings for at least one year, in accordance with department guidelines and regulations, and shall make recordings available for viewing upon the request of a resident, or the resident’s parents, parent with legal custody, or lawful custodian or legal guardian. The facility or program is prohibited from allowing access to recordings, except as provided in this subsection or pursuant to a court order. The consent and waiver signed pursuant to subsection (B) also must include a notice to the person executing the form that the recordings are available for review upon request.

(D)(1) An individual who tampers with, disables, or destroys video monitoring equipment authorized by the section is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(2) An individual who alters or destroys, or attempts to alter or destroy, a recording made by video monitoring equipment authorized by this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(3) A facility or program that fails to install and operate video monitoring equipment as required in this section or that fails to retain copies of recordings in accordance with subsection (C) is subject to sanctions up to and including loss of license.

(4) A facility or program that conducts video monitoring in areas other than common areas or that allows unauthorized access to video monitoring recordings is subject to sanctions up to and including loss of license.

(E) For the purposes of this section, ‘common area’ means the entrances and exits to a facility or program and any den, dining room, kitchen, hall, or any other common living area in the facility or program.”

SECTION 2. This act takes effect upon approval by the Governor. However, a facility or program providing twenty-four hour supervised living services to clients on the effective date of this act must comply with the provisions no later than one year after the effective date of this act.

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