**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3354**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Tallon, Bryant, Thayer, B. Newton, Wooten and Martin

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Introduced in the House on January 8, 2019

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

Summary: Execution team member disclosure

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Judiciary**

1/8/2019 House Introduced and read first time ([House Journal‑page 208](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 208](file:///h:\hj\20190108.docx))

4/4/2019 House Member(s) request name added as sponsor: Martin

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**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3354_20181218.docx)

**A** **BILL**

TO AMEND SECTION 24‑3‑580, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCLOSURE OF THE IDENTITY OF A MEMBER OF AN EXECUTION TEAM, SO AS TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE THAT IDENTIFYING INFORMATION OF AN EXECUTION TEAM OR DETAILS REGARDING THE PROCUREMENT OF ITEMS NECESSARY TO IMPOSE A DEATH SENTENCE IS CONFIDENTIAL WITHOUT EXCEPTION, TO EXEMPT THE PURCHASE OR ACQUISITION OF CERTAIN DRUGS OR MEDICAL SUPPLIES NECESSARY TO EXECUTE A DEATH SENTENCE FROM THE STATE PROCUREMENT CODE, TO EXEMPT THE ACQUISITION OF CERTAIN DRUGS OR MEDICAL SUPPLIES OBTAINED FROM OUT OF STATE NECESSARY TO EXECUTE A DEATH SENTENCE FROM LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND OTHER DEPARTMENTS OR AGENCIES OF THE STATE, OR BY THE BOARD OF PHARMACY, AND TO PROVIDE THAT THIS SECTION SHALL BE BROADLY CONSTRUED BY THE COURTS TO ENSURE CONFIDENTIALITY OF THE IDENTITIES OF PERSONS INVOLVED IN IMPOSING A DEATH SENTENCE.

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

SECTION 1. Section 24‑3‑580 of the 1976 Code is amended to read:

“Section 24‑3‑580. (A) As used in this section, the term:

(1) ‘Execution team’ must be construed broadly to include any person or entity that participates in the planning or administration of the execution of a death sentence, including any person or entity that prescribes, compounds, tests, uses, manufactures, imports, transports, distributes, supplies, prepares, or administers the drugs, medical supplies, or medical equipment utilized in the execution of a death sentence.

(2) ‘Identifying information’ must be construed broadly to include any record or information that reveals a name, date of birth, social security number, personal identifying information, personal or business contact information, or professional qualifications. The term ‘identifying information’ also includes any residential or business address; any residential, personal, or business telephone number; any residential, personal, or business facsimile number; any residential, personal, or business email address; and any residential, personal, or business social media account or username.

(B) Notwithstanding any other provision of law, any identifying information of an execution team shall be confidential and, without exception, is not subject to discovery, subpoena, or any other means of legal compulsion or process for disclosure to any person or entity in any administrative, civil, or criminal proceeding in the courts, administrative agencies, boards, commissions, legislative bodies, or quasi‑legislative bodies of this State, or in any other similar body that exercises any part of the sovereignty of the State. This identifying information shall be classified as a state secret.

(C) A person ~~may~~ shall not knowingly disclose ~~the identity~~ identifying information of a current or former member of an execution team or disclose a record or any identifying information that would identify a person as being a current or former member of an execution team. However, this information may be disclosed only upon a court order under seal for the proper adjudication of pending litigation. Any person or entity whose identity is disclosed in violation of this section shall have a civil cause of action against the person who is in violation of this section and may recover actual damages and, upon a showing of a wilful violation of this section, punitive damages.

(D) Any purchase or acquisition of drugs, medical supplies, and medical equipment necessary to execute a death sentence is exempt from the entirety of the South Carolina Procurement Code and all of its attendant regulations.

(E) The out‑of‑state acquisition of any drug intended for use by the department in the administration of the death penalty is exempt from all licensing processes and requirements administered by the Department of Health and Environmental Control or by any other department or agency of the State of South Carolina. Furthermore, the out‑of‑state acquisition of any drug intended for use by the department in the administration of the death penalty is exempt from all regulations promulgated by the Board of Pharmacy.

(F) Any pharmacy or pharmacist, whether located in or outside the State, involved in the supplying, manufacturing, or compounding of any drug intended for use by the department in the administration of the death penalty is exempt from all licensing processes and requirements of the Department of Labor, Licensing and Regulation.

(G) Notwithstanding any other provision of law, including the South Carolina Freedom of Information Act, Section 30‑4‑10, et. seq., no department or agency of this State, no political subdivision, and no other governmental or quasi‑governmental entity shall disclose the identifying information of an execution team or any details regarding the procurement and administrative processes referenced in subsections (D) through (F).

(H) This section shall be broadly construed by the courts of this State so as to give effect to the General Assembly’s intent to ensure the absolute confidentiality of the identifying information of any person or entity directly or indirectly involved in the planning or execution of a death sentence within this State.”

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

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