**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 637**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Davis

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Companion/Similar bill(s): 4259

Introduced in the Senate on March 12, 2019

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

Summary: Require toxicology results or screening of a state of local government agency employee must be released to public if resulting from accident or incident that occurred in the course of employment

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/12/2019 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj\20190312.docx))

3/12/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 8](file:///h:\sj\20190312.docx))

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**VERSIONS OF THIS BILL**

[3/12/2019](file:///p:\pprever\2019-20\637_20190312.docx)

**A** **BILL**

TO AMEND SECTION 30-4-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FREEDOM OF INFORMATION ACT, SO AS TO REQUIRE THE RESULTS OF A TOXICOLOGY REPORT OR A DRUG OR ALCOHOL SCREENING PERFORMED ON AN EMPLOYEE OF A STATE OR LOCAL GOVERNMENTAL AGENCY AT THE REQUEST OF HIS EMPLOYER MUST BE RELEASED AS PUBLIC INFORMATION IF THE REPORT OR SCREENING WAS AS A RESULT OF OR RELATED TO AN ACCIDENT OR INCIDENT WHILE IN THE COURSE OF EMPLOYMENT.

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

SECTION 1. Section 30-4-50 of the 1976 Code is amended to read:

“Section 30‑4‑50. (A) Without limiting the meaning of other sections of this chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of Sections 30‑4‑20, 30‑4‑40, and 30‑4‑70 of this chapter:

(1) the names, sex, race, title, and dates of employment of all employees and officers of public bodies;

(2) administrative staff manuals and instructions to staff that affect a member of the public;

(3) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(4) those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the public body;

(5) written planning policies and goals and final planning decisions;

(6) information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies;

(7) the minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to Section 30‑4‑70;

(8) reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the report;

(9) notwithstanding any other provision of the law, data from a video or audio recording made by a law enforcement vehicle‑mounted recording device or dashboard camera that involves an officer involved incident resulting in death, injury, property damage, or the use of deadly force.

(a) A law enforcement or public safety agency may apply to the circuit court for an order to prevent the disclosure of the video or audio recording data. Notice of the request and of the hearing must be provided to the person seeking the record. A hearing must be requested within fifteen days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of the request for disclosure and the hearing shall be held in‑camera.

(b) The court may order the recording data not be disclosed upon a showing by clear and convincing evidence that the recording is exempt from disclosure as specified in Section 30‑4‑40(a)(3) and that the reason for the exemption outweighs the public interest in disclosure. A court may order the recording data be edited to redact specific portions of the data and then released, upon a showing by clear and convincing evidence that portions of the recording are not exempt from disclosure as specified in Section 30‑4‑40(a)(3).

(c) A court order to withhold the release of recording data under this section must specify a definite time period for the withholding of the release of the recording data and must include the court’s findings.

(d) A copy of the order shall be made available to the person requesting the release of the recording data.

(10) statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report~~.~~; and

(11) the results of a toxicology report, or a drug or alcohol screening performed upon an employee of a state or local governmental agency at the request of his governmental employer or as required by agency policy, if the screening is a result of or related to an accident or incident that occurs during the course of his employment.

(B) No information contained in a police incident report or in an employee salary schedule revealed in response to a request pursuant to this chapter may be utilized for commercial solicitation. Also, the home addresses and home telephone numbers of employees and officers of public bodies revealed in response to a request pursuant to this chapter may not be utilized for commercial solicitation. However, this provision must not be interpreted to restrict access by the public and press to information contained in public records.”

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

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