**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3716**

**STATUS INFORMATION**

House Resolution

Sponsors: Rules Committee

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Introduced in the House on January 18, 2023

Adopted by the House on January 18, 2023

Summary: House Rules, Ethics investigations

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/18/2023 House Introduced and adopted

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**VERSIONS OF THIS BILL**

[01/18/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3716_20230118.docx)

A house RESOLUTION

to amend rule 4.16 G. of the rules of the house of representatives, relating to confidentiality of ethics investigations, so as to revise the rule.

Be it resolved by the House of Representatives:

That Rule 4.16 G. of the Rules of the House Representatives is amended to read:

G. Confidentiality

(1) All investigations and accompanying documents are confidential and only may be released pursuant to this rule.

(2) The respondent or his counsel may, by written notice, waive the confidentiality requirement. The committee shall not accept any partial waivers.

(3) After a finding of probable cause by a majority of the committee or after the dismissal of a complaint after the commission’s finding of probable cause, or a complete, written waiver by the respondent, the following documents become public record: the complaint, the response by the respondent, and, if applicable, the committee’s notice of dismissal. After a public hearing, the following documents become public record: the notice of hearing, exhibits introduced at a hearing, the committee’s findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information when the public disclosure would constitute an unreasonable invasion of personal privacy including, but not limited to, social security and bank account numbers.

(1) Complaints are not considered a public record until there is a recommendation of probable cause by the commission unless the Respondent, in writing, waives the right to confidentiality.

(2) Upon a recommendation of probable cause by the commission for a violation, other than a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become public record: the complaint, the response by the respondent, and the commission's recommendation of probable cause.

(3) If the appropriate committee requests further investigation after receipt of the commission's report, documents only may be released if the commission's second report to the committee recommends a finding of probable cause.

(4) Upon the issuance of the final order after a public hearing, the following documents become public record: exhibits introduced at the hearing, the committee's findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information when the public disclosure would constitute an unreasonable invasion of personal privacy.

(5) This Rule does not affect the release of confidential information pursuant to Section 8-13-725 of the Ethics Act.

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