**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4576**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.E. Johnson and Pope

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Introduced in the House on January 9, 2024

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

Summary: Prosecutors Personal Protection Privacy Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/16/2023 House Prefiled

11/16/2023 House Referred to Committee on **Judiciary**

1/9/2024 House Introduced and read first time ([House Journal‑page 86](h:\hj\20240109.docx))

1/9/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 86](h:\hj\20240109.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4576&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4576_20231116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS by enacting THE “PROSECUTORS PERSONAL PRIVACY PROTECTION ACT” BY ADDING article 9 to chapter 2, title 30, so as to define necessary terms, and to provide CURRENT AND FORMER PROSECUTORS HAVE THE OPTION OF MAKING PERSONAL CONTACT INFORMATION HELD BY STATE OR LOCAL GOVERNMENTS CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE, TO PROVIDE LIMITED EXCEPTIONS, AND TO PROVIDE RELATED PROCEDURES FOR EXERCISING THIS OPTION, AMONG OTHER THINGS; and to PROVIDE THE SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION SHALL CREATE A FORM FOR USE BY PROSECUTORS WHEN REQUESTING NONDISCLOSURE OF PERSONAL CONTACT INFORMATION, AND TO SPECIFY REQUIREMENTS FOR THE FORM.

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

SECTION 1. This act may be cited as the “Prosecutors Personal Privacy Protection Act”.

SECTION 2. Chapter 2, Title 30 of the S.C. Code is amended by adding:

Article 9

Prosecutors Personal Privacy Protection Act

Section 30‑2‑900. For the purpose of this article:

(1) “Eligible requesting party” means an active or former prosecutor who has filed a formal request under the provisions of the article.

(2) “Personal contact information” means the home address and personal cellular phone number of the eligible requesting party.

(3) “Prosecutor” means current and former:

(a) elected solicitors, deputy solicitors, or assistant solicitors as set forth in Sections 1‑7‑310, 1‑7‑405, and 1‑7‑406 and Sections 1‑7‑410 through 1‑7‑530;

(b) attorneys general, deputy attorneys general, and assistant attorneys general as set forth in Section 1‑7‑30; and

(c) United States Attorneys for the District of South Carolina and Assistant United States Attorneys for the District of South Carolina.

Section 30‑2‑910. (A) Information that relates to the personal contact information of an eligible requesting party and is held or maintained by a state or local government agency if the prosecutor:

(1) notifies the state or local government agency of the prosecutor’s choice to restrict access to or posting online of personal contact information by submission of a form provided by the South Carolina Commission on Prosecution Coordination; and

(2) provides verification of current or active service as a prosecutor from the prosecutor’s current or former prosecution employer.

(B) A choice made under this article remains valid with the following exceptions:

(1) the prosecutor rescinds in writing the request to restrict public access to or posting online of personal contact information and provides notice to the state or local government agency;

(2) the state or local government agencies disclose personal contact information related to violations of law or regulation, as permitted by law;

(3) the prosecutor requests release of the prosecutor’s personal information from a state or local government agency for a specific purpose and for a limited time; or

(4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the Department of Motor Vehicles, as permitted by law.

(C) Personal contact information provided under the provisions of this article may be disclosed to another government agency, under subpoena, by order of the court, or upon written consent of the eligible prosecutor.

(D) Any personal contact information, as defined under this article, must be redacted from any public document otherwise eligible to be released under any other provision of law. The provisions of this article may not be construed to prevent disclosure of other public information otherwise allowed by law.

(E) A state or local government agency that redacts or withholds information under this article shall provide to the requestor a description of the redacted or withheld information and a citation to this article.

(F) Nothing in this article may be construed to limit access to otherwise protected information available by applicable law including, but not limited to, the Driver’s Privacy Protection Act (18 U.S.C. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C.A. Section 1681, et seq.).

SECTION 3. Within thirty days after the effective date of this act, the South Carolina Commission on Prosecution Coordination shall create and distribute to the offices of the Solicitors, the South Carolina Attorney General, and the United States Attorney for the District of South Carolina a form to use to request a state or local government agency restrict public access or posting of personal contact information. The form must contain fields for the following information: legal name, date of birth, home address, driver’s license number, personal email address, South Carolina Bar number, dates of service, status of service, and an exception section to notify a state or local government agency of rescission of the request to protect personal contact information and to permit disclosure of personal contact information for a specific purpose and for a limited time.

SECTION 4. This act takes effect upon approval by the Governor.

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