**South Carolina General Assembly**

125th Session, 2023-2024

**S. 486**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Goldfinch

Companion/Similar bill(s): 3866

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Introduced in the Senate on February 2, 2023

Currently residing in the Senate

Summary: AG on behalf of SC

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/2/2023 Senate Introduced and read first time (Senate Journal‑page 8)

 2/2/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 8)

 3/17/2023 Senate Referred to Subcommittee: Senn (ch), McLeod,
 Loftis, Adams, Stephens

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=486&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/486_20230202.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1‑7‑95 SO AS TO PROVIDE THAT WHEN THE ATTORNEY GENERAL DOES NOT UNDERTAKE REPRESENTATION OF STATE AGENCIES, the attorney general CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39‑5‑55 SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Chapter 7, Title 1 of the S.C. Code is amended by adding:

 Section 1‑7‑95. (A) Notwithstanding any other provision of law, when the Attorney General institutes or defends an action on behalf of the State of South Carolina pursuant to any power granted by the common law, the Constitution of this State, or any provision of the Code of Laws, the Attorney General acts in the public interest of the State of South Carolina and not as the legal representative or attorney of any department or agency of state government, including the executive, legislative, or judicial branches, or boards thereof. Departments, agencies, or boards are not parties to these actions, and the documents or electronically stored information of such departments, agencies, or boards are not in the possession, custody, or control of the Attorney General.

 (B) This section does not affect the ability of the Attorney General to institute or defend an action in a proprietary capacity on behalf of or representing any department, agency, or board.

SECTION 2. Chapter 5, Title 39 of the S.C. Code is amended by adding:

 Section 39‑5‑55. Unless the Attorney General institutes an action pursuant to Section 39‑5‑140 in the name of and on behalf of a department, state agency, or board thereof, the Attorney General acts in the public interest of the State of South Carolina as provided in Section 1‑7‑95.

SECTION 3. This act takes effect upon approval by the Governor.

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