**South Carolina General Assembly**

125th Session, 2023-2024

**S. 841**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Alexander and Senn

Companion/Similar bill(s): 4576

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Introduced in the Senate on January 9, 2024

Introduced in the House on April 9, 2024

Last Amended on April 3, 2024

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

Summary: Prosecutors Personal Privacy Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2023 Senate Prefiled

 11/30/2023 Senate Referred to Committee on **Judiciary**

 1/9/2024 Senate Introduced and read first time (Senate Journal‑page 53)

 1/9/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 53)

 1/19/2024 Senate Referred to Subcommittee: M.Johnson (ch), Sabb,
 Talley, Reichenbach, Devine

 3/19/2024 Senate Referred to Subcommittee: Hutto (ch), Rice, Senn,
 Adams, Tedder

 3/27/2024 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 11)

 4/3/2024 Senate Committee Amendment Adopted (Senate Journal‑page 37)

 4/3/2024 Senate Read second time (Senate Journal‑page 37)

 4/3/2024 Senate Roll call Ayes-43 Nays-0 (Senate Journal‑page 37)

 4/4/2024 Scrivener's error corrected

 4/4/2024 Scrivener's error corrected

 4/4/2024 Senate Read third time and sent to House (Senate Journal‑page 17)

 4/9/2024 House Introduced and read first time (House Journal‑page 17)

 4/9/2024 House Referred to Committee on **Judiciary** (House Journal‑page 17)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=841&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[11/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/841_20231130.docx)

[01/09/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/841_20240109.docx)

[03/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/841_20240327.docx)

[04/03/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/841_20240403.docx)

[04/04/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/841_20240404.docx)

[04/04/2024-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/841_20240404a.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted

04/03/24

S. 841

Introduced by Senators Alexander and Senn

S. Printed 04/03/24--S. [SEC 4/4/2024 1:39 PM]

Read the first time January 09, 2024

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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.

 Amend Title To Conform

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

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

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

 Article 9

 Prosecutors and Public Defenders Personal Privacy Protection Act

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

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

 (2) “Personal contact information” means the name, home address, personal cellular phone number, or property tax map number, if applicable, of the eligible requesting party that is included in a database or an image or a copy of an official record posted on a publicly available state or local government agency website.

 (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.

 (4) “Public defender” means current and former:

 (a) circuit defenders, county public defenders, or assistant public defenders as set forth in Sections 17-3-520, 17-3-530, 17-3-540, and 17-3-580;

 (b) federal public defender for the District of South Carolina and Assistant Federal Public Defenders 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 or public defender:

 (1) notifies the state or local government agency of the prosecutor’s or public defender’s choice to remove and redact personal contact information from a publicly available state or local government agency database or from an image or copy of an official record that is placed or will be placed on a publicly available internet website maintained by or operated on behalf of a state or local government agency 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 or public defender from the prosecutor’s or public defender’s current or former prosecution or public defender employer.

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

 (1) the prosecutor or public defender 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 or public defender requests release of the prosecutor’s or public defender’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 or public defender.

 (D) Any personal contact information, as defined under this article, must be redacted, if requested by an eligible requesting party, 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. Section 1681, et seq.).

SECTION 3. Chapter 2, Title 30 of the S.C. Code is amended by adding:

 Section 30-2-915. Any eligible requesting party may petition the court for an order directing compliance with this article. Liability may not accrue to a state or local government employee or to his agents for claims or damages that arise from personal contact information on the public record.

SECTION 4. 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, the United States Attorney for the District of South Carolina, the circuit public defenders, and the federal public defender for the District of South Carolina a form to use to request a state or local government agency remove or redact personal contact information from an image or copy of an official record placed on a publicly available internet website maintained by or operated on behalf of a state or local government agency. The form shall be created in collaboration with South Carolina Court Administration and the Criminal Justice Academy to ensure consistent information is provided to the state or local government agency. . 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 5. Section 30-2-500 of the S.C. Code is amended to read:

 Section 30-2-500. For the purposes of this article:

 (1) “Personal contact information” means the name, home address or, personal cellular telephone number, property tax map number, if applicable, of the eligible requesting party that is included in a database or on an image or a copy of an official record posted on a publicly available state or local government agency website.

 (2) “Eligible requesting party” means an active or former law enforcement officer who has filed a formal request under the provision of this article.

 (3) “Law enforcement officer” means an active or former federal, state, or local certified law enforcement officer or corrections officer.

SECTION 6. Section 30-2-510 of the S.C. Code is amended to read:

 Section 30-2-510. (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 is confidential and must not be disclosed to the public by the state or local government agency if the law enforcement officer:

 (1) notifies the state or local government agency of the law enforcement officer's choice to restrict public access to or posting of personal contact information remove and redact personal contact information from a publicly available state or local government agency database or from an image or copy of an official record that is placed or will be placed on a publicly available internet website maintained by or operated on behalf of a state or local government agency by submission of a form produced by the South Carolina Criminal Justice Academy; and

 (2) provides a verification of current employment or previous employment as a law enforcement officer to include contact information for his employer.

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

 (1) the law enforcement officer rescinds the request in writing 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 law enforcement officer requests release of the law enforcement officer's personal contact 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 South Carolina Department of Motor Vehicles as permitted by law.

 (C) Information protected under the provisions of this article may be disclosed to another governmental agency, under subpoena, by order of the court, or upon written consent of the eligible law enforcement officer.

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

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

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

SECTION 7. Chapter 2, Title 30 of the S.C. Code is amended by adding:

 Section 30-2-515. Any eligible requesting party may petition the court for an order directing compliance with this article. Liability may not accrue to a state or local government employee or to his agents for claims or damages that arise from personal contact information on the public record.

SECTION 8. Section 30-2-700 of the S.C. Code is amended to read:

 Section 30-2-700. For the purpose of this article:

 (1) “Personal contact information” means the name, home address or, personal cellular telephone number, or tax map number, if applicable, of the eligible requesting party that are included in a database or an image or a copy of an official record on a publicly available state or local government website.

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

SECTION 9. Section 30-2-710 of the S.C. Code is amended to read:

 Section 30-2-710. (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 is confidential and must not be disclosed to the public by the state or local government agency if the judge:

 (1) notifies the state or local government agency of the judge's choice to restrict public access to or posting online of personal contact informationremove and redact personal contact information from a publicly available state or local government agency database or from an image or copy of an office record that is placed or will be placed on a publicly available internet website maintained by or operated on behalf of the state or local government agency by submission of a form providedproduced by the South Carolina Court Administration; and

 (2) provides verification of current or prior service as a judge from the South Carolina Court Administration.

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

 (1) the judge 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 judge requests release of the judge's personal contact 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 South Carolina 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 judge.

 (D) Any personal contact information, as defined under this article, must be redacted, if requested by an eligible requesting party, from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent the 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 thea requestor a description of the redacted or withheld information and a citation to this article.

 (F) Nothing in this article shall 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.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C.A. Section 1681, et seq.)

SECTION 10. Chapter 2, Title 30 of the S.C. Code is amended by adding:

 Section 30-2-715. Any eligible requesting party may petition the court for an order directing compliance with this article. Liability may not accrue to a state or local government employee or to his agents for claims or damages that arise from personal contact information on the public record.

SECTION 11. This act takes effect on July 1, 2024.

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