

## Session 118 - (2009-2010)

### H 4704 General Bill, By J.E. Smith

#### Summary: FOIA

A BILL TO AMEND SECTION 30-1-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRIMINAL PENALTY FOR FAILING TO DELIVER PUBLIC RECORDS AT THE EXPIRATION OF A PERSON'S TERM OF OFFICE OR EMPLOYMENT, SO AS TO DELETE THE PROVISION REQUIRING THAT A CERTIFIED LETTER BE DELIVERED TO THE PERSON HAVING CUSTODY OF THE RECORDS AND TO FURTHER SPECIFY THE TERMS OF THE CRIMINAL VIOLATION; TO AMEND SECTION 30-4-30, RELATING TO THE RIGHT OF A PERSON TO INSPECT OR COPY PUBLIC RECORDS, SO AS TO ESTABLISH THE MAXIMUM AMOUNT THAT CAN BE CHARGED FOR RESEARCHING AND COPYING RECORDS AND TO PROVIDE THAT UPON THE DETERMINATION THAT REQUESTED RECORDS ARE SUBJECT TO PUBLIC AVAILABILITY, THE RECORDS MUST BE PRODUCED AS SOON AS PRACTICABLE; AND BY ADDING SECTION 30-4-105 SO AS TO ESTABLISH A PRIVATE CAUSE OF ACTION TO ENFORCE THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT THROUGH A NONJURY, EXPEDITED HEARING WHEN RECORDS ARE NOT PRODUCED WITHIN TWENTY DAYS OF THE REQUEST HAVING BEEN MADE AND TO PROVIDE THAT THE COURT SHALL AWARD ATTORNEY FEES AND COURT COSTS IF THE PARTY SEEKING RELIEF PREVAILS.

**03/09/10 House Introduced and read first time HJ-5**

**03/09/10 House Referred to Committee on Judiciary HJ-6**