COMMITTEE REPORT

March 11, 2009

**S. 329**

Introduced by Senator Fair

S. Printed 3/11/09--S.

Read the first time January 28, 2009.

**THE COMMITTEE ON CORRECTIONS AND PENOLOGY**

To whom was referred a Bill (S. 329) to amend Article 5, Chapter 3, Title 24 of the 1976 Code by adding Section 24‑3‑580, to prohibit the disclosure of the identity of members of an execution team, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

MICHAEL L. FAIR for Committee.

**A** **BILL**

TO AMEND ARTICLE 5, CHAPTER 3, TITLE 24 OF THE 1976 CODE BY ADDING SECTION 24‑3‑580, TO PROHIBIT THE DISCLOSURE OF THE IDENTITY OF MEMBERS OF AN EXECUTION TEAM AND TO ALLOW FOR CIVIL PENALTIES FOR A VIOLATION OF THE SECTION, AND BY ADDING SECTION 24‑3‑590, TO PROHIBIT LICENSING AGENCIES FROM TAKING ANY ACTION TO REVOKE, SUSPEND, OR DENY A LICENSE TO ANY PERSON WHO PARTICIPATES ON AN EXECUTION TEAM.

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

SECTION 1. Article 5, Chapter 3 of Title 24 of the 1976 Code is amended by adding:

“Section 24‑3‑580. A person may not knowingly disclose the identity of a current or former member of an execution team or disclose a record that would identify a person as being a current or former member of an execution team. Any person whose identity is disclosed in violation of this section shall have a civil cause of action against the person who is in violation of this section and may recover actual damages and, upon a showing of a willful violation of this section, punitive damages.”

SECTION 2. Article 5, Chapter 3 of Title 24 of the 1976 Code is amended by adding:

“Section 24‑3‑590. No licensing agency, board, commission, or association may file, attempt to file, initiate a proceeding, or take any action to revoke, suspend, or deny a license to any person because that person participated in the execution of a sentence of death on a person convicted of a capital crime as authorized by law or the director.”

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

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