**South Carolina General Assembly**

119th Session, 2011-2012

**S. 1428**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Lourie, Hutto, Sheheen and Coleman

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Introduced in the Senate on April 11, 2012

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

Summary: Transparency in Ethics Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/11/2012 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj%20archive\2012\04-11-12.docx))

4/11/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h:\sj%20archive\2012\04-11-12.docx))

4/20/2012 Senate Referred to Subcommittee: Campsen (ch), Cleary, Scott

**VERSIONS OF THIS BILL**

[4/11/2012](file:///p:\pprever\2011-12\1428_20120411.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “TRANSPARENCY IN ETHICS ACT”, BY AMENDING SECTION 8-13-540, RELATING TO INVESTIGATIONS AND HEARINGS CONDUCTED BY THE RESPECTIVE ETHICS COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, TO PROVIDE THAT RECORDS RELATING TO INVESTIGATIONS ARE NOT CONFIDENTIAL AFTER PROBABLE CAUSE OF AN ETHICS VIOLATION HAS BEEN FOUND, AND TO PROVIDE THAT HEARINGS ARE SUBJECT TO THE FREEDOM OF INFORMATION ACT.

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

SECTION 1. This act shall be cited as and referred to as the “Transparency in Ethics Act”.

SECTION 2. Section 8-13-540(1)(b) of the 1976 Code is amended to read:

“(b) convene a formal hearing on the matter within thirty days of the respondent's failure to comply with the advisory opinion. ~~All ethics committee investigations and records relating to the preliminary investigation are confidential.~~ No complaint shall be accepted which is filed later than four years after the alleged violation occurred.

All investigations, inquiries, hearings, and accompanying documents must remain confidential until a finding of probable cause or dismissal unless the respondent waives the right to confidentiality. The willful release of confidential information is a misdemeanor, and any person releasing confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.”

SECTION 3. Section 8-13-540(2) of the 1976 Code is amended to read:

“(2) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the ethics committee’s possession relating to the charges. At the hearing the charged party must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses. All hearings must be conducted ~~in executive session~~ pursuant to Chapter 4, Title 30.”

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

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