**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4498**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Butler Garrick and Johnson

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Introduced in the House on January 10, 2012

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

Summary: Require the preservation of certain electronic communications by public officials

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/6/2011 House Prefiled

12/6/2011 House Referred to Committee on **Judiciary**

1/10/2012 House Introduced and read first time ([House Journal‑page 62](file:///h:\hj%20archive\2012\01-10-12.docx))

1/10/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 62](file:///h:\hj%20archive\2012\01-10-12.docx))

**VERSIONS OF THIS BILL**

[12/6/2011](file:///p:\pprever\2011-12\4498_20111206.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 30‑1‑95 SO AS TO REQUIRE THE PRESERVATION OF CERTAIN ELECTRONIC COMMUNICATIONS OF PUBLIC OFFICIALS THAT CONSTITUTE PUBLIC RECORDS FOR A PERIOD OF FIVE YEARS AFTER CREATION, AND TO PROVIDE A PENALTY.

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

SECTION 1. Chapter 1, Title 30 of the 1976 Code is amended by adding:

“Section 30‑1‑95. (A) In addition to the other provisions of this chapter, a public record created by an electronic communication to, from, or at the direction of an elected public official from any branch of state government may not be intentionally deleted, destroyed, rendered inaccessible, or rendered not viewable from the time the communication is created until five years after the date on which the public official ceases to hold the office held when he created or received the correspondence or communication.

(B) This section includes, but is not limited to, any correspondence or communication transmitted electronically:

(1) with the use of privately or publicly owned equipment, software, or cyber technology; and

(2) by means, whether publicly or privately owned, such as private email, social networking, or other electronic or cyber communications account, profile, screen name, or similar means associated with the capacity to transmit electronic correspondence or communications between individual people. As new technologies emerge, the department may promulgate regulations to address their unique nature to ensure their use as a presentation, conduit, or source of storage of public records is encompassed within the scope of this article.

(C) A person who violates this section is subject to penalties available under Section 30‑4‑110.”

SECTION 2. This act takes effect upon approval by the Governor.

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