**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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