**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑13‑180 SO AS TO PROHIBIT A LAW ENFORCEMENT OFFICER FROM CONFISCATING OR SEIZING A CELL PHONE, VIDEO RECORDER, OR OTHER ELECTRONIC RECORDING DEVICE AT THE SCENE OF A LAW ENFORCEMENT INVESTIGATION OR LAWFUL ARREST UNLESS ITS USE SUBSTANTIALLY IMPEDES OR INTERFERES WITH THE INVESTIGATION OR ARREST, TO PROVIDE A PENALTY FOR UNLAWFUL SEIZURE OF A DEVICE, AND TO PROVIDE FOR THE RETURN OF THE DEVICE.

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

SECTION 1. Chapter 13, Title 17 of the 1976 Code is amended by adding:

“Section 17‑13‑180. (A) It is unlawful for a law enforcement officer to confiscate or seize a cell phone, video recorder, or other electronic recording device at the scene of a law enforcement investigation or lawful arrest unless the use of the device substantially impedes or interferes with the law enforcement investigation or lawful arrest. A law enforcement officer who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

(B) If a device, as described in subsection (A), is lawfully seized, the device must be returned to the owner upon payment by the owner of a fee of not more than twenty‑five dollars within thirty days of the confiscation or seizure of the device. The owner of the device may not be charged a fee for its return if the law enforcement officer confiscated or seized the device in violation of the provisions of subsection (A).”

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

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