**A** **BILL**

TO AMEND SECTION 30‑4‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES AND THE TIME in which a public body must respond to a request made under THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE for the ELECTRONIC TRANSMISSION OF PUBLIC RECORDS UNDER THE ACT, TO PROVIDE A PUBLIC BODY MAY not charge for staff time but may cHARGE THE PREVAILING COMMERCIAL RATE FOR COPY costs WHEN RESPONDING TO A REQUEST, TO PROVIDE a public body may not assess a copy charge when PROVIDING a RECORD STORED OR TRANSMITTED IN ELECTRONIC FORMAT, TO PROVIDE A public body MAY REQUIRE a deposit BEFORE fulfilling A REQUEST, TO REVISE THE TIME LIMITS FOR RESPONDING TO A REQUEST, to provide that during the hours of operation of a public body it must make available without written request all documents received or reviewed by a member of the body in a public meeting during the preceding six months, AND TO PROVIDE THAT A PUBLIC BODY MAY SATISFY This requirement BY MAKING THE RECORDS AVAILABLE ON THE INTERNET; TO AMEND SECTION 30‑4‑100, RELATING TO EQUITABLE REMEDIES AVAILABLE UNDER THE ACT, SO AS TO PROVIDE FOR SPECIFIC ENFORCEMENT AND CIVIL CONTEMPT REMEDIES WHEN A PUBLIC BODY FAILS TO COMPLY WITH THE TIME LIMITS FOR RESPONDING TO A REQUEST; AND TO AMEND SECTION 30‑4‑110, RELATING TO FINES AND CRIMINAL PENALTIES FOR A VIOLATION OF THE ACT, SO AS TO INCREASE THE FINES AND PROVIDE AN OFFICER OR PUBLIC OFFICIAL WHO WILFULLY VIOLATES THE ACT MAY BE PUNISHED PURSUANT TO THE ACT.

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

SECTION 1. Section 30‑4‑30 of the 1976 Code is amended to read:

“Section 30‑4‑30. (a) ~~Any~~ A person has a right to inspect ~~or~~, copy, or receive an electronic transmission of any public record of a public body, except as otherwise provided by Section 30‑4‑40, in accordance with reasonable rules concerning time and place of access.

(b) The public body may establish and collect fees not to exceed the actual cost of ~~searching for or~~ making copies of records. The public body may not charge for staff time associated with gathering or reproducing the records. Fees charged by a public body must be uniform for copies of the same record or document and may not exceed the prevailing commercial rate for the producing of copies. Copy charges may not apply to records that are stored or transmitted in an electronic format. However, members of the General Assembly may receive copies of records or documents at no charge from public bodies when their request relates to their legislative duties. The records must be furnished at the lowest possible cost to the person requesting the records. Records must be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient for the public body to provide the records in this form. Documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees may not be charged for examination and review to determine if the documents are subject to disclosure. ~~Nothing in this chapter prevents the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of these costs before searching for or making copies of the records~~ A deposit not to exceed twenty‑five percent of the total cost for reproduction of the records may be required prior to the public body searching for or making copies of records.

(c) Each public body, upon written request for records made under this chapter, shall ~~within fifteen~~ as soon as possible but in no more than seven calendar days ~~(excepting Saturdays, Sundays, and legal public holidays)~~ of the receipt of any ~~such~~ request, notify the person making ~~such~~ the request of its determination and the reasons ~~therefore~~ for it. ~~Such a~~ This determination shall constitute the final opinion of the public body as to the public availability of the requested public record and, if the request is granted, the record must be furnished or made available for inspection or copying no later than thirty calendar days from the date of the original request, unless the records are more than twenty‑four months old in which case the public body may use no more than forty‑five additional calendar days to produce the records. If written notification of the determination of the public body as to the availability of the requested public record is neither mailed nor personally delivered to the person requesting the document within the ~~fifteen~~ seven calendar days allowed ~~herein~~, the request must be considered approved.

(d) The following records of a public body must be made available for public inspection and copying during the hours of operations of the public body, unless the record is exempt pursuant to Section 30‑4‑40, without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:

(1) minutes of the meetings of the public body for the preceding six months;

(2) all reports identified in Section 30‑4‑50(A)(8) for at least the fourteen‑day period before the current day; ~~and~~

(3) documents identifying persons confined in any jail, detention center, or prison for the preceding three months; and

(4) all documents produced by the public body or its agent that were distributed to or reviewed by any member of the public body during a public meeting for the preceding six month period.

(e) A public body complies with the provisions of subsection (d) by placing the records in a form that is both convenient and practical for use on a publicly available Internet site, provided that the public body also must produce documents pursuant to this section if requested to do so.”

SECTION 2. Section 30‑4‑100 of the 1976 Code is amended to read:

“Section 30‑4‑100. (a) ~~Any~~ A citizen of the State may apply to the circuit court for ~~either or both~~ a declaratory judgment ~~and~~, injunctive relief, or both to enforce the provisions of this chapter in appropriate cases ~~as long as such~~ if the application is made no later than one year ~~following~~ after the date ~~on which the~~ of the alleged violation ~~occurs~~ or one year after a public vote in public session, whichever comes later. The court may order equitable relief as it considers appropriate, and a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.

(b) A citizen of this State may apply to the appropriate magistrate court for specific enforcement of a request made pursuant to Section 30‑4‑30 when the public body from which the records are requested fails to comply with the time limits provided in Section 30‑4‑30(c). A person, the responsible officer, or the public official of a public body may be held in civil contempt by the magistrates court for failing to comply with the provisions of Section 30‑4‑30 or an order of the magistrates court relating to Section 30‑4‑30.

(~~b~~c) If a person or entity seeking ~~such~~ relief under this section prevails, he ~~or it~~ may be awarded reasonable attorney fees and other costs of litigation. If ~~such~~ the person or entity prevails in part, the court may in its discretion award him ~~or it~~ reasonable attorney fees or an appropriate portion ~~thereof~~ of them.”

SECTION 3. Section 30‑4‑110 of the 1976 Code is amended to read:

“Section 30‑4‑110. ~~Any~~ A person or group of persons who ~~willfully~~ wilfully violates the provisions of this chapter ~~shall be deemed~~ is guilty of a misdemeanor and, upon conviction, ~~shall~~ must be fined not more than ~~one~~ five hundred dollars or imprisoned for not more than thirty days for the first offense, ~~shall be~~ fined not more than ~~two hundred~~ one thousand dollars or imprisoned for not more than sixty days for the second offense, and ~~shall be~~ fined ~~three~~ fifteen hundred dollars or imprisoned for not more than ninety days for the third or subsequent offense. The responsible officer or public official of an agency found to have wilfully violated the provisions of this chapter may be punished pursuant to this chapter.”

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

‑‑‑‑XX‑‑‑‑