**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 83 TO TITLE 44, SO AS TO AUTHORIZE ELECTRONIC MONITORING OF A RESIDENT’S ROOM IN A LONG‑TERM CARE FACILITY, AND TO PROVIDE FOR PENALTIES FOR ANY PERSON OR ENTITY WHO HAMPERS, OBSTRUCTS, TAMPERS WITH OR DESTROYS AN ELECTRONIC MONITORING DEVICE INSTALLED IN A LONG‑TERM CARE FACILITY.

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

SECTION 1. Title 44 of the 1976 Code is amended by adding:

“CHAPTER 83

Electronic Monitoring of a Resident’s Room in a Long‑Term Care Facility

Section 44‑83‑10. As used in this chapter, the term:

(1) ‘Authorized electronic monitoring’ means the placement of electronic monitoring devices in the common areas or rooms of residents of a long‑term care facility and recordings with the devices pursuant to the provisions of this chapter;

(2) ‘Electronic monitoring device’ means video surveillance cameras installed in the common areas or residents’ rooms; and

(3) ‘Long‑term care facility’ means an intermediate care facility, nursing care facility, or residential care facility subject to regulation and licensure by the State Department of Health and Environmental Control (department).

Section 44‑83‑20. (A) A long‑term care facility shall provide notice to current and prospective residents, or legal representatives thereof, that authorized electronic monitoring of a resident’s room conducted under this chapter is permitted and shall only be conducted with the consent of the resident, residents, or legal representatives thereof.

(B) A long‑term care facility shall not refuse to admit an individual to residency in the facility and shall not remove a resident from a facility because of authorized electronic monitoring of a resident’s room..

Section 44‑83‑30. (A) A person or entity shall not intentionally hamper, obstruct, tamper with, or destroy an electronic monitoring device installed in a long‑term care facility.

(B) A person or entity that intentionally hampers, obstructs, tampers with, or destroys a recording or an electronic monitoring device installed in a long‑term care facility is subject to the following penalties:

(1) A person or entity who receives an unauthorized electronic communication or who refocuses, repositions, covers, manipulates, disconnects, or otherwise tampers with or disables a security or surveillance camera or security system is guilty, upon conviction, of a misdemeanor punishable by imprisonment of not more than one year or a fine of not more than five thousand dollars, or both.

(2) A person who uses, refocuses, repositions, covers, manipulates, disconnects, or otherwise tampers with or disables a security or surveillance camera or security system for the purpose of avoiding detection when committing, attempting to commit, or aiding another person to commit or attempt to commit any misdemeanor is guilty, upon conviction, of a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than five thousand dollars, or both.

(3) A person who uses, refocuses, repositions, covers, manipulates, disconnects, or otherwise tampers with or disables a security or surveillance camera or security system for the purpose of avoiding detection when committing, attempting to commit, or aiding another person to commit or attempt to commit any felony is guilty, upon conviction, of a felony, punishable by imprisonment for not more than five years, or a fine of not more than ten thousand dollars, or both.

Section 44‑83‑40. Subject to the provisions of law, a tape or recording created through the use of authorized electronic monitoring pursuant to this act may be admitted into evidence in a civil or criminal court action or administrative proceeding.

Section 44‑83‑50. Nothing in this act shall be construed to prevent a resident or resident’s legal representative from placing an electronic monitoring device in the resident’s room at the expense of that person. In a room with more than one resident, each electronic monitoring device must be directed to only one resident at a time, and the installation of an electronic monitoring device does not require the consent of other residents of the room.”

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

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