**A** **BILL**

TO AMEND CHAPTER 1, TITLE 16 OF THE 1976 CODE, RELATING TO FELONIES AND MISDEMEANORS, TO PROVIDE THAT IT IS UNLAWFUL TO PRODUCE OR CREATE AUDIO OR VIDEO RECORDINGS OF A VIOLENT CRIME AND THAT IT IS UNLAWFUL TO PUBLISH AUDIO OR VIDEO RECORDINGS OF THE VIOLENT CRIME; AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. Chapter 1, Title 16 of the 1976 Code is amended by adding:

“Section 16‑1‑65. (A) It is unlawful for a person to produce or create, or conspire to produce or create, a video or audio recording, digital electronic file, or other visual depiction or representation of a violent crime, as defined in Section 16‑1‑60, during its commission. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not less than five hundred dollars or more than five thousand dollars or imprisoned not more than five years, or both.

(B) A person who violates the provisions of subsection (A) and who publishes, or otherwise makes the video or audio recording, digital electronic file, or other visual depiction or representation available for public display is guilty of a separate offense and, upon conviction, must be fined not less than five hundred dollars or more than five thousand dollars or imprisoned not more than five years, or both.

(C) A person who knowingly aids in the commission of a violation of subsection (A) or (B) or is an accessory before or after the fact in commission of the violation of subsection (A) or (B) is guilty of a felony and must be punished in the same manner prescribed in subsection (A) or (B), as applicable.

(D) The provisions of subsection (A) and (B) do not apply to:

(1) viewing, photographing, videotaping, or filming by personnel of the Department of Corrections or of a county, municipal, or local jail or detention center or correctional facility for security purposes or during investigation of alleged misconduct by a person in the custody of the Department of Corrections or a county, municipal, or local jail or detention center or correctional facility;

(2) security surveillance in bona fide business establishments;

(3) accidental or incidental recordings;

(4) any official law enforcement activities;

(5) private detectives and investigators conducting surveillance in the ordinary course of business; or

(6) any bona fide news gathering activities.”

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

‑‑‑‑XX‑‑‑‑