**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3108**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McKnight, Bamberg and M.S. McLeod

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Introduced in the House on January 13, 2015

Currently residing in the House Committee on **Judiciary**

Summary: Malicious publication of photographs

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2014 House Prefiled

12/11/2014 House Referred to Committee on **Judiciary**

1/13/2015 House Introduced and read first time ([House Journal‑page 99](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/13/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 99](file:///h:\HJ%20Archive\2015\01-13-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3108&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/11/2014](file:///p:\pprever\2015-16\3108_20141211.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15‑75‑70 SO AS TO PROVIDE A CIVIL CAUSE OF ACTION FOR A PERSON HARMED BY THE MALICIOUS PUBLICATION OF PHOTOGRAPHS ON A SOCIAL MEDIA WEBSITE AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Chapter 75, Title 15 of the 1976 Code is amended by adding:

“Section 15‑75‑70. (A) A person may be liable in a civil action for damages arising from the malicious publication of photographs or other similar images on a website accessible by the public including, but not limited to, a social media website if he intends to harm the person’s character or reputation and such harm to the person’s character or reputation is proven by a preponderance of the evidence.

(B) As used in this section, the term:

(1) ‘Malicious’ means an action taken with actual malice aforethought.

(2) ‘Photograph’ includes all photographs, including those which are unaltered, retouched, or otherwise edited.

(3) ‘Publication’ means the dissemination of the photograph without the knowledge or consent of the party in the photograph.

(4) ‘Social Media’ means a category of Internet sites based on user participation and user‑generated content centered on user interaction.”

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

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