**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 85 TO TITLE 40 TO ENACT THE “SOUTH CAROLINA RESPONSIBLE JOURNALISM REGISTRY LAW” SO AS TO ESTABLISH REQUIREMENTS FOR PERSONS BEFORE WORKING AS A JOURNALIST FOR A MEDIA OUTLET AND FOR MEDIA OUTLETS BEFORE HIRING A JOURNALIST; TO REQUIRE THE ESTABLISHMENT AND OPERATION OF A RESPONSIBLE JOURNALISM REGISTRY BY THE SOUTH CAROLINA SECRETARY OF STATE’S OFFICE; TO AUTHORIZE REGISTRY FEES; TO ESTABLISH FINES AND CRIMINAL PENALTIES FOR VIOLATION OF THE CHAPTER; AND FOR OTHER PURPOSES.

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

SECTION 1. This chapter may be cited as the “South Carolina Responsible Journalism Registry Law”.

SECTION 2. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 85

South Carolina Responsible Journalism Registry

Section 40‑85‑10. For purposes of this chapter:

(1) ‘Journalist’ means a person who in his professional capacity collects, writes, or distributes news or other current information for a media outlet, including an employee or an independent contractor.

(2) ‘Media outlet’ means a for‑profit or not‑for‑profit publication or broadcast program that provides news and feature stories to the public through various distribution channels including, but not limited to, newspapers, magazines, radio, television, and the Internet.

(3) ‘Office’ means the South Carolina Secretary of State’s Office.

(4) ‘Registry’ means the South Carolina Responsible Journalism Registry.

Section 40‑85‑20. (A) The Secretary of State’s Office shall create a registry for the registration of persons who qualify as a journalist pursuant to this chapter.

(B) A person seeking to register shall provide all information required by the office including, but not limited to, a criminal record background check, an affidavit from the media outlet attesting to the applicant’s journalistic competence, and an application fee in an amount determined by the office.

(C) A registration is valid for two years and must be renewed within thirty days of expiration.

(D)(1) The Secretary of State’s Office may deny, revoke, or refuse to issue or renew a registration if the office finds that the person:

(a) has filed an application for registration that contains a statement that is false or misleading with respect to a material fact;

(b) has failed to pay the proper application fee or any other fee or penalty imposed pursuant to this chapter; or

(c) has failed to comply with any provision of this chapter.

(2) The Secretary of State’s Office shall deny, revoke, or refuse to issue or renew a registration if a media outlet has determined pursuant to Section 40‑85‑40 that the person is not competent to be a journalist.

(E) Upon receipt of the required information and documents, the office within thirty days shall provide a registration to the person for submission to a media outlet or a letter notifying the person of the basis for denying, revoking, or refusing to issue or renew a registration.

(F) If the office denies, revokes, or refuses to issue or renew a registration, the office shall inform the person of the right to appeal the decision to the South Carolina Administrative Law Court.

Section 40‑85‑30. (A) Before hiring or contracting with a person as a journalist, a media outlet shall require the person to present a copy of a criminal record background check and shall make a determination pursuant to Section 40‑85‑40 whether the person is competent to be a journalist.

(B) Before working as a journalist for a media outlet in this State, a person shall provide a criminal record background check to the media outlet to determine journalistic competence and register with the South Carolina Responsible Journalism Registry. After registering, the person shall provide a copy of the registration to the media outlet. A person may not work as a journalist until the person provides a copy of a registration to the media outlet.

Section 40‑85‑40. (A) A person is not competent to be a journalist if:

(1) within the three years before submitting an application for registration, the person has been determined by a court of law to have committed:

(a) libel, slander, or invasion of privacy; or

(b) a felony if the underlying offense was committed to collect, write, or distribute news or other current information for a media outlet; or

(2) as a journalist, the person has demonstrated a reckless disregard of the basic codes and canons of professional journalism associations, including a disregard of truth, accuracy, objectivity, impartiality, fairness, and public accountability, as applicable to the acquisition of newsworthy information and its subsequent dissemination to the public.

(B) Upon making a determination that a person is competent to be a journalist, the media outlet shall provide the person an affidavit attesting to the person’s journalistic competence for submission to the registry.

Section 40‑85‑50. (A) A person who works as a journalist without registering pursuant to Section 40‑85‑30(B):

(1) for a first offense, must be fined not more than twenty‑five dollars;

(2) for a second offense, is guilty of a misdemeanor and must be fined not more than one hundred dollars or imprisoned not more than fifteen days, or both; and

(3) for a third or subsequent offense, is guilty of a misdemeanor and must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(B) An officer, director, or principal of a media outlet that employs or contracts with a person as a journalist whom the media outlet knows has not registered pursuant to Section 40‑85‑30(B), or whose registration the media outlet knows has expired or been revoked, is subject to the penalties provided in subsection (A).

(C) Upon finding that conduct of a journalist or media outlet is in violation of this chapter, the Secretary of State’s Office may order the person to cease and desist from engaging in the prohibited conduct. A journalist or media outlet that continues to engage in prohibited conduct in violation of an order is subject to an administrative penalty that may not exceed five hundred dollars for each violation of the order.

(D) A journalist or media outlet against whom a cease and desist order has been issued may appeal to the South Carolina Administrative Law Court.

(E) A copy of an order issued by the Secretary of State’s Office or the Administrative Law Court must be maintained as part of the registry.

Section 40‑85‑60. The Secretary of State’s Office shall retain all fees and fines to establish and operate the South Carolina Responsible Journalism Registry.”

SECTION 3. This act takes effect upon approval by the Governor.

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