**A** **BILL**

TO AMEND SECTION 30-4-50 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE FREEDOM OF INFORMATION ACT, TO INCLUDE LAW ENFORCEMENT VEHICLE MOUNTED VIDEO AND AUDIO RECORDINGS IN THE LIST OF SPECIFIC CATEGORIES OF INFORMATION THAT IS TO BE MADE AVAILABLE TO THE PUBLIC, AND TO PROVIDE THAT LAW ENFORCEMENT MAY APPLY FOR INJUNCTIVE RELIEF FROM THE CIRCUIT COURT IF THERE IS CLEAR AND CONVINCING EVIDENCE OF SPECIFIC HARM FROM THE RELEASE OF THE RECORDING.

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

SECTION 1. Section 30-4-50 of the 1976 Code is amended to read:

“Section 30-4-50. (A) Without limiting the meaning of other sections of this chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of Sections 30-4-20, 30-4-40, and 30-4-70 of this chapter:

(1) the names, sex, race, title, and dates of employment of all employees and officers of public bodies;

(2) administrative staff manuals and instructions to staff that affect a member of the public;

(3) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(4) those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the public body;

(5) written planning policies and goals and final planning decisions;

(6) information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies;

(7) the minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to Section 30‑4‑70;

(8) reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the report.

(9) notwithstanding any other provision of the law, a video or audio recording made by a law enforcement vehicle mounted recording device or dashboard camera.

(a) A law enforcement or public safety agency may apply to the Circuit Court to request injunctive relief to prevent the disclosure of the video or audio recording. A hearing must be requested within fifteen days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of the request for disclosure and the hearing shall be held in camera.

(b) The court may order the recording not be disclosed upon a showing by clear and convincing evidence that the disclosure would harm the agency by a provision specified in Section 30-4-40(3).

(c) A court order to withhold the release of a recording under this section must specify a definite time period for the withholding of the release of the recording and must include the court’s findings as to the specific harm proven.

(d) A copy of the order shall be made available to the person requesting the release of the recording.

(10) statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report.

(B) No information contained in a police incident report or in an employee salary schedule revealed in response to a request pursuant to this chapter may be utilized for commercial solicitation. Also, the home addresses and home telephone numbers of employees and officers of public bodies revealed in response to a request pursuant to this chapter may not be utilized for commercial solicitation. However, this provision must not be interpreted to restrict access by the public and press to information contained in public records.”

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

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