**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑1092 SO AS TO PROVIDE THAT A BYSTANDER SHALL REMAIN AT LEAST TWELVE FEET AWAY FROM A LAW ENFORCEMENT OFFICER WHEN THE OFFICER IS APPREHENDING, ARRESTING, SEARCHING, OR CONSULTING AN INDIVIDUAL WHEN THE BYSTANDER IS RECORDING THE ACTIONS OF THE OFFICER, AND TO PROVIDE A PENALTY.

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

Whereas, roughly 135 police officers died in 2016, making it the deadliest year for police officers in at least five years; and

Whereas, while there were fewer deaths in 2017, a total of 129 officers died with 46 of those caused by gunfire; and

Whereas, since the start of 2018, at least 76 law enforcement officers across the United States have died while on duty ‑ with at least 43 of those deaths caused by gunfire; and

Whereas, a citizen has the right to video record or take pictures of anything within plain view in an outdoor public place where he legally is present; and

Whereas, due to the increasing trend of bystanders recording law enforcement officer‑involved incidents, many officers have developed the mentality to treat every citizen encounter as if it is being recorded; and

Whereas, with the pervasive use of cell phones and other recording devices, it increasingly is common to see videos of crimes and criminal suspects on social media before a law enforcement officer arrives on the scene of a crime; and

Whereas, in order to protect our law enforcement officers while they perform their jobs, bystanders who record an incident involving a law enforcement officer should remain at a safe distance from the scene of the incident site. Now, therefore,

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

SECTION 1. Article 11, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑1092. A bystander who is recording an incident scene with a camera or another recording device must remain no less than twelve feet from a law enforcement officer while the officer is apprehending, arresting, searching, or consulting an individual. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days.”

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

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