**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑18‑75 SO AS TO PROHIBIT A PRIVATE INVESTIGATOR FROM DISCLOSING INFORMATION RELATING TO THE REPRESENTATION OF A CLIENT UNLESS AUTHORIZED UNDER LIMITED CIRCUMSTANCES AND TO PROHIBIT THE PRIVATE INVESTIGATOR FROM UNDERTAKING CERTAIN ACTIONS RELATED TO THE REPRESENTATION OF A CLIENT.

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

SECTION 1. Chapter 18, Title 40 of the 1976 Code is amended by adding:

“Section 40‑18‑75. (A) No private investigator or member of the private investigator’s private investigation business may reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is implicitly authorized in order to carry out the representation, or the disclosure is permitted by this section.

(B) A private investigator may reveal information relating to the representation of a client to the extent that the private investigator reasonably believes necessary to:

(1) prevent the client from committing a criminal act;

(2) prevent reasonably certain death or substantial bodily harm;

(3) secure legal advice about the private investigator’s compliance with all applicable laws and regulations;

(4) establish a claim or defense on behalf of the private investigator in a controversy between the private investigator and the client, to establish a defense to a civil claim against the private investigator based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the private investigator’s representation of the client; or

(5) comply with other law or a court order.

(C) It is unlawful for a private investigator or any member of the private investigator’s private investigation business to:

(1) knowingly represent a person whose interests are materially adverse to that of any of the private investigator’s current or former clients, unless the relevant current or former client, as applicable, gives informed consent;

(2) use information relating to the representation to the disadvantage of a current or former client, except as specifically permitted by this section or when the information has become generally known; or

(3) reveal information in violation of this section.

(D) A person who wilfully violates the provisions of this section is subject to a civil penalty pursuant to Section 40‑18‑130.”

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

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