**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3870**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.L. Johnson, Govan, Brawley, Matthews, Henegan, McDaniel and Henderson‑Myers

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Introduced in the House on February 10, 2021

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

Summary: Requesting body-worn camera data

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/10/2021 House Introduced and read first time ([House Journal‑page 6](file:///h:\hj\20210210.docx))

2/10/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 6](file:///h:\hj\20210210.docx))

2/16/2021 House Member(s) request name added as sponsor: Brawley

2/23/2021 House Member(s) request name added as sponsor: Matthews

4/14/2021 House Member(s) request name added as sponsor: Henegan, McDaniel, Henderson‑Myers

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**VERSIONS OF THIS BILL**

[2/10/2021](file:///p:\pprever\2021-22\3870_20210210.docx)

**A** **BILL**

TO AMEND SECTION 23‑1‑240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BODY‑WORN CAMERAS, SO AS TO PROVIDE A PERSON WHO IS A SUBJECT IN DATA RECORDED BY A BODY‑WORN CAMERA MAY REQUEST AND MUST RECEIVE THE DATA WITHOUT PURSUING AN ACTON UNDER THE RULES OF CRIMINAL PROCEDURE OR CIVIL PROCEDURE, OR OBTAINING A COURT ORDER.

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

SECTION 1. Section 23‑1‑240(G) of the 1976 Code is amended to read:

“(G)(1) Data recorded by a body‑worn camera is not a public record subject to disclosure under the Freedom of Information Act.

(2) The State Law Enforcement Division, the Attorney General, and a circuit solicitor may request and must receive data recorded by a body‑worn camera for any legitimate criminal justice purpose.

(3) A law enforcement agency, the State Law Enforcement Division, the Attorney General, or a circuit solicitor may release data recorded by a body‑worn camera in its discretion.

(4) A law enforcement agency may request and must receive data recorded by a body‑worn camera if the recording is relevant to an internal investigation regarding misconduct or disciplinary action of a law enforcement officer.

(5) In addition to the persons who may request and must receive data recorded by a body‑worn camera provided in item (2), the following are also entitled to request and receive such data pursuant to the South Carolina Rules of Criminal Procedure, the South Carolina Rules of Civil Procedure, or a court order:

(a) ~~a person who is the subject of the recording~~ Reserved;

(b) a criminal defendant if the recording is relevant to a pending criminal action;

(c) a civil litigant if the recording is relevant to a pending civil action;

(d) a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related;

(e) a parent or legal guardian of a minor or incapacitated person described in subitem (a) or (b); and

(f) an attorney for a person described in subitems (a) through (e).

(6) A person who is the subject of data recorded by a body‑worn camera may request and must receive the data.”

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

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