**A** **BILL**

TO AMEND TO THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑17‑780 SO AS TO PROVIDE LIMITATIONS ON CRIMINAL LIABILITY FOR DIGITAL EXPRESSION.

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

SECTION 1. Article 7, Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16‑17‑780. (A) A digital expression that does not otherwise constitute a crime or subject the person responsible for creating the digital expression to criminal liability under the 1976 Code may not serve as the sole basis for any criminal liability based on the use of that digital expression by another person.

(B) Hosting or storing a digital expression on a computer, computer network, or computer system in the State of South Carolina in a manner that does not otherwise constitute a crime or subject the person hosting or storing the digital expression to criminal liability under the 1976 Code may not serve as the sole basis for any criminal liability based on the use of that digital expression by another person.

(C) Nothing in this section may be construed to limit or prohibit liability for criminal activity merely because the conduct was in part initiated or carried out by means of a digital expression.

(D) For purposes of this section:

(1) ‘Digital expression’ means an expression that is communicated through source code or a computer program.

(2) ‘Computer’ means an internally programmed, automatic device which performs data processing.

(3) ‘Computer network’ means a set of related, remotely connected devices and communication facilities including more than one computer system with capability to transmit data among them through communication facilities.

(4) ‘Computer program’ means an ordered set of data representing coded instructions or statements which when, executed by a computer, cause the computer to process data.

(5) ‘Computer software’ means a set of computer programs, procedures, and associated documentation concerned with the operation of a computer system.

(6) ‘Computer system’ means a set of related, connected, or unconnected, computer equipment, devices, or computer software.

(7) ‘Source code’ means any form of work used to create or modify a computer program. ‘Source code’ includes:

(a) instructions and statements expressed in a computer programming language;

(b) computer programming comments, notes, and memoranda; and

(c) design documents and functional specifications for a computer program.”

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

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