**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑25‑40 SO AS TO PROVIDE AT THE TIME OF SENTENCING A DEFENDANT CONVICTED OF CERTAIN CRIMES MAY SEEK TO AND THE COURT MAY LIMIT PUBLIC ACCESS TO CERTAIN INFORMATION PRESENTED DURING THIS HEARING.

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

SECTION 1. Article 1, Chapter 25, Title 17 of the 1976 Code is amended by adding:

“Section 17‑25‑40. (A) At the time of sentencing, the defendant may seek to limit public access to his sentencing information relating to:

(1) his arrest;

(2) charges filed against him; and

(3) his case file and criminal history record in the custody of the State Law Enforcement Division, clerk of court, solicitor, or any other state or local agency. Information contained in his case file and criminal record includes, but is not limited to, any fingerprints or photographs taken in conjunction with an arrest.

(B) If the defendant’s motion to limit public access to his sentencing record is granted pursuant to subsection (A), then the court must order the defendant’s public record sealed and made unavailable to the public.

(C) This section shall apply to a sentencing hearing for a defendant convicted of any violent crime as contained in Section 16‑1‑60, except those contained in Chapter 53, Title 44.

(D) When considering the defendant’s request under this section, the court shall weigh the public’s interest in the defendant’s criminal history record information being publicly available and the harm to the defendant’s privacy. The court must issue written findings of fact in its order based upon these considerations.

(E) The court shall specify the date its order shall take effect.”

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

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