**South Carolina General Assembly**

125th Session, 2023-2024

**S. 954**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hembree, Senn and Rankin

Companion/Similar bill(s): 3825

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Introduced in the Senate on January 11, 2024

Introduced in the House on March 26, 2024

Last Amended on March 20, 2024

Currently residing in the Senate

Summary: Electronic Records

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/11/2024 Senate Introduced and read first time (Senate Journal‑page 5)

 1/11/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 5)

 2/6/2024 Senate Referred to Subcommittee: Hutto (ch), Rice, Senn,
 Adams, Tedder

 2/21/2024 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 11)

 2/23/2024 Scrivener's error corrected

 3/20/2024 Senate Committee Amendment Adopted (Senate Journal‑page 15)

 3/20/2024 Senate Read second time (Senate Journal‑page 15)

 3/21/2024 Senate Read third time and sent to House (Senate Journal‑page 10)

 3/21/2024 Senate Roll call Ayes-44 Nays-0 (Senate Journal‑page 10)

 3/26/2024 House Introduced and read first time (House Journal‑page 24)

 3/26/2024 House Referred to Committee on **Judiciary** (House Journal‑page 24)

 5/1/2024 House Committee report: Favorable with amendment **Judiciary**

 5/7/2024 House Requests for debate-Rep(s). Hiott, Carter, Hixon, Ligon, Sessions, King, MM Smith, McCravy, Hart (House Journal‑page 127)

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**VERSIONS OF THIS BILL**

[01/11/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/954_20240111.docx)

[02/21/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/954_20240221.docx)

[02/23/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/954_20240223.docx)

[03/20/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/954_20240320.docx)

[05/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/954_20240501.docx)

Committee Report

May 01, 2024

S. 954

Introduced by Senators Hembree, Senn and Rankin

S. Printed 05/01/24--H.

Read the first time March 26, 2024

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The committee on House Judiciary

To whom was referred a Bill (S. 954) to amend the South Carolina Code of Laws by adding Section 17‑13‑142 so as to authorize a law enforcement officer, a Circuit Solicitor, or the Attorney General to, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass with amendment:

 Amend the bill, as and if amended, SECTION 1, by striking Section 17-13-142(E) and inserting:

 (E) The Attorney General may issue a subpoena to an electronic communication service or remote computing service to compel disclosure or production of the name and address of a subscriber if the information is material and relevant to an investigation conducted by the Internet Crimes Against Children Task Force of the Attorney General’s Office.

Renumber sections to conform.

Amend title to conform.

W. NEWTON for Committee.

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17‑13‑142 SO AS TO AUTHORIZE A LAW ENFORCEMENT OFFICER, A CIRCUIT SOLICITOR, OR THE ATTORNEY GENERAL TO REQUIRE THE DISCLOSURE OF ELECTRONIC COMMUNICATIONS AND OTHER RELATED RECORDS BY A PROVIDER OF AN ELECTRONIC COMMUNICATION SERVICE OR REMOTE COMPUTING SERVICE UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Chapter 13, Title 17 of the S.C. Code is amended by adding:

 Section 17‑13‑142. (A) A law enforcement officer, circuit solicitor, or the Attorney General may require the disclosure of stored wire, digital, or electronic communications, as well as transactional records and subscriber information pertaining to them, to the extent and under the procedures and conditions provided for by federal law.

 (B) A provider of electronic communication service or remote computing service shall provide subscriber information as well as the contents of, and transactional records pertaining to, wire, digital, or electronic communications in its possession or reasonably accessible when a requesting law enforcement officer, a circuit solicitor, or the Attorney General complies with the provisions for access pursuant to federal law.

 (C) This section specifically authorizes a court of competent jurisdiction in this State, as defined by 18 U.S.C. Section 2711, to issue appropriate orders pursuant to the requirements and procedures of 18 U.S.C. Section 2703(d) for production of stored wire, digital, or electronic transactional records or subscriber information. These orders have statewide application and application to the extent provided by federal law.

 (D) This section specifically authorizes a court of competent jurisdiction in this State, as defined by 18 U.S.C. Section 2711, to issue search warrants pursuant to the procedures established by Section 17‑13‑140, notwithstanding any jurisdictional limitations contained in that section, for production of stored wire, digital, or electronic communications and transactional records pertaining to them. Search warrants have statewide application and application to the extent provided by federal law.

 (E) This section specifically authorizes the Attorney General, circuit solicitor, or the State Law Enforcement Division to issue a subpoena to compel disclosure or production of any stored electronic records pertaining to a subscriber or customer pursuant to 18 U.S.C. Section 2703(c)(2), or any successor statute. The subpoena may only be issued upon a showing that the requested material is relevant to an ongoing criminal investigation.

 (F) A South Carolina corporation or business entity that provides electronic communication services or remote computing services to the general public, when served with a valid subpoena, court order, or warrant issued by another state to produce records that could reveal the identity of the customers using those services, data stored by or on behalf of the customer, the customer’s usage of those services, the recipient or destination of communications sent to or from those customers, or the content of those communications, shall produce those records as if that warrant had been issued by a court of competent jurisdiction in this State. This provision applies to businesses organized pursuant to the laws of South Carolina, businesses whose domicile or principal place of business is in South Carolina, foreign businesses where the electronic data in question is stored in South Carolina, and foreign corporate entities doing business in the State of South Carolina.

 (G) An intentional violation of this section is punishable as contempt of court. However, a provider of electronic communication service or remote computing service is immune from any civil, criminal, or other proceeding against a communications service provider or its directors, officers, employees, agents, or vendors for providing information in good faith in response to a warrant, court order, or valid subpoena issued pursuant to this section.

 (H) All terms used in this section must be defined consistent with 18 U.S.C. Section 2510, 18 U.S.C. Section 2711, and Section 17‑30‑15.

 (I) Nothing herein expands the obligations of electronic communications service providers.

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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