**South Carolina General Assembly**

125th Session, 2023-2024

**S. 1034**

**STATUS INFORMATION**

General Bill

Sponsors: Senator M. Johnson

Document Path: SJ-0039MB24.docx

Introduced in the Senate on February 7, 2024

Currently residing in the Senate

Summary: Law Enforcement and Judicial Privacy Protection

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/7/2024 Senate Introduced and read first time (Senate Journal‑page 4)

 2/7/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 4)

 2/12/2024 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=1034&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/07/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1034_20240207.docx)

[02/12/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1034_20240212.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 30‑2‑500, RELATING TO DEFINITIONS, SO AS TO INCLUDE NAME AND PROPERTY TAX NUMBER IN THE DEFINITION OF “PERSONAL CONTACT INFORMATION” AN ELIGIBLE REQUESTING PARTY MAY REQUEST TO BE REMOVED OR REDACTED FROM A DATABASE OR AN IMAGE OR A COPY OF AN OFFICIAL DOCUMENT POSTED ON A PUBLICLY AVAILABLE STATE OR LOCAL GOVERNMENT AGENCY WEBSITE; BY AMENDING SECTION 30‑2‑510, RELATING TO OPTION FOR LAW ENFORCEMENT OFFICERS TO MAKE PERSONAL CONTACT INFORMATION CONFIDENTIAL, EXCEPTIONS, AND PROCEDURES, SO AS TO REQUIRE THE LAW ENFORCEMENT OFFICER’S CHOICE TO REMOVE OR REDACT PERSONAL CONTACT INFORMATION FROM A DATABASE OR FROM AN IMAGE OR A COPY OF AN OFFICIAL RECORD THAT IS PLACED OR WILL BE PLACED ON A PUBLICLY AVAILABLE INTERNET WEBSITE MAINTAINED OR OPERATED ON BEHALF OF A STATE OR LOCAL GOVERNMENT AGENCY; BY ADDING SECTION 30‑2‑515 SO AS TO ALLOW AN ELIGIBLE REQUESTING PARTY TO PETITION THE COURT FOR AN ORDER THAT DIRECTLY COMPLIES WITH THIS ARTICLE AND TO PROHIBIT LIABILITY FROM ACCRUING TO A STATE OR LOCAL GOVERNMENT EMPLOYEE FOR CLAIMS OR DAMAGES THAT ARISE FROM PERSONAL CONTACT INFORMATION ON THE PUBLIC RECORD; TO DIRECT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY TO CREATE FORMS IN COLLABORATION WITH SOUTH CAROLINA COURT ADMINISTRATION FOR LAW ENFORCEMENT TO USE TO REQUEST PROTECTION OF THEIR PERSONAL CONTACT INFORMATION AND TO PROVIDE INFORMATION THE FORMS SHOULD INCLUDE; BY AMENDING SECTION 30‑2‑700, RELATING TO DEFINITIONS, SO AS TO INCLUDE NAME AND PROPERTY TAX NUMBER IN THE DEFINITION OF “PERSONAL CONTACT INFORMATION” AN ELIGIBLE REQUESTING PARTY MAY REQUEST TO BE REMOVED OR REDACTED FROM A DATABASE OR AN IMAGE OR A COPY OF AN OFFICIAL DOCUMENT POSTED ON A PUBLICLY AVAILABLE STATE OR LOCAL GOVERNMENT AGENCY WEBSITE; BY AMENDING SECTION 30‑2‑710, RELATING TO AN OPTION FOR JUDGES TO MAKE PERSONAL CONTACT INFORMATION CONFIDENTIAL, EXCEPTIONS, AND PROCEDURES, SO AS TO REQUIRE THE JUDGE’S CHOICE TO REMOVE OR REDACT PERSONAL CONTACT INFORMATION FROM A DATABASE OR FROM AN IMAGE OR A COPY OF AN OFFICIAL RECORD THAT IS PLACED OR WILL BE PLACED ON A PUBLICLY AVAILABLE INTERNET WEBSITE MAINTAINED OR OPERATED ON BEHALF OF A STATE OR LOCAL GOVERNMENT AGENCY; BY ADDING SECTION 30‑2‑715 SO AS TO ALLOW AN ELIGIBLE REQUESTING PARTY TO PETITION THE COURT FOR AN ORDER THAT DIRECTLY COMPLIES WITH THIS ARTICLE AND TO PROHIBIT LIABILITY FROM ACCRUING TO A STATE OR LOCAL GOVERNMENT EMPLOYEE FOR CLAIMS OR DAMAGES THAT ARISE FROM PERSONAL CONTACT INFORMATION ON THE PUBLIC RECORD; AND TO DIRECT THE SOUTH CAROLINA COURT ADMINISTRATION TO CREATE FORMS IN COLLABORATION WITH THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY FOR JUDGES TO USE TO REQUEST PROTECTION OF THEIR PERSONAL CONTACT INFORMATION AND TO PROVIDE INFORMATION THE FORMS SHOULD INCLUDE.

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

SECTION 1. Section 30‑2‑500 of the S.C. Code is amended to read:

 Section 30‑2‑500. For the purposes of this article:

 (1) “Personal contact information” means the name; home address; or personal cellular telephone number; or property tax map number, if applicable, of the eligible requesting party that is included in a database or on an image or a copy of an official record posted on a publicly available state or local government agency website.

 (2) “Eligible requesting party” means an active or former law enforcement officer who has filed a formal request under the provision of this article.

 (3) “Law enforcement officer” means an active or former federal, state, or local certified law enforcement officer or corrections officer.

SECTION 2. Section 30‑2‑510 of the S.C. Code is amended to read:

 Section 30‑2‑510. (A) Information that relates to the personal contact information of an eligible requesting party and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public by the state or local government agency if the law enforcement officer:

 (1) notifies the state or local government agency of the law enforcement officer's choice to restrict public access to or posting of personal contact informationremove and redact personal contact information from a publicly available state or local government agency database or from an image or copy of an official record that is placed or will be placed on a publicly available internet website maintained by or operated on behalf of a state or local government agency by submission of a form produced by the South Carolina Criminal Justice Academy; and

 (2) provides a verification of current employment or previous employment as a law enforcement officer to include contact information for his employer.

 (B) A choice made under this article remains valid with the following exceptions:

 (1) the law enforcement officer rescinds the request in writing and provides notice to the state or local government agency;

 (2) the state or local government agencies disclose personal contact information related to violations of law or regulation as permitted by law;

 (3) the law enforcement officer requests release of the law enforcement officer's personal contact information from a state or local government agency for a specific purpose and for a limited time; or

 (4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles as permitted by law.

 (C) Information protected under the provisions of this article may be disclosed to another governmental agency, under subpoena, by order of the court, or upon written consent of the eligible law enforcement officer.

 (D) Any personal contact information as defined under this article must be redacted, if requested by an eligible requesting party, from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent the disclosure of any other otherwise public information allowed by law.other public information otherwise allowed by law.

 (E) A governmental agency that redacts or withholds information under this article shall provide to thea requestor a description of the redacted or withheld information and a citation to this act.article.

 (F) Nothing in this article shall be construed to limit access to otherwise protected information in public records by applicable law including, but not limited to, the Driver's Privacy Protection Act (18 U.S.C.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.).

SECTION 3. Chapter 2, Title 30 of the S.C. Code is amended by adding:

 Section 30‑2‑515. Any eligible requesting party may petition the court for an order directing compliance with this article. Liability may not accrue to a state or local government employee or to his agents for claims or damages that arise from personal contact information on the public record.

SECTION 4. The South Carolina Criminal Justice Academy shall create a form for law enforcement officers to use to request a state or local government agency remove or redact personal contact information from an image or copy of an official record placed on a publicly available internet website maintained by or operated on behalf of a state or local government agency. The form shall be created in collaboration with South Carolina Court Administration to ensure consistent information is provided to the state or local government agency. The form must contain fields for the following information: legal name; date of birth; home address; property tax map numbers, if applicable; dates of service; service status; the location of the information on the website or the Register of Deeds book and page number of the copy or image of a deed that is recorded, if applicable; and an exception section to permit disclosure of personal information for a specific purpose for a limited time.

SECTION 5. Section 30‑2‑700 of the S.C. Code is amended to read:

 Section 30‑2‑700. For the purpose of this article:

 (1) “Personal contact information” means the name; home address; or personal cellular telephone number; or tax map numbers, if applicable, of the eligible requesting party that are included in a database or on an image or a copy of an official record on a publicly available state or local government agency website.

 (2) “Eligible requesting party” means an active or a former judge who has filed a formal request under the provisions of this article.

SECTION 6. Section 30‑2‑710 of the S.C. Code is amended to read:

 Section 30‑2‑710. (A) Information that relates to the personal contact information of an eligible requesting party and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public by the state or local government agency if the judge:

 (1) notifies the state or local government agency of the judge's choice to restrict public access to or posting online of personal contact informationremove and redact personal contact information from a publicly available state or local government agency database or from an image or copy of an office record that is placed or will be placed on a publicly available internet website maintained by or operated on behalf of the state or local government agency by submission of a form providedproduced by the South Carolina Court Administration; and

 (2) provides verification of current or prior service as a judge from the South Carolina Court Administration.

 (B) A choice made under this article remains valid with the following exceptions:

 (1) the judge rescinds in writing the request to restrict public access to or posting online of personal contact information and provides notice to the state or local government agency;

 (2) the state or local government agencies disclose personal contact information related to violations of law or regulation, as permitted by law;

 (3) the judge requests release of the judge's personal contact information from a state or local government agency for a specific purpose and for a limited time; or

 (4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles, as permitted by law.

 (C) Personal contact information provided under the provisions of this article may be disclosed to another government agency, under subpoena, by order of the court, or upon written consent of the eligible judge.

 (D) Any personal contact information, as defined under this article, must be redacted, if requested by an eligible requesting party, from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent the disclosure of other public information otherwise allowed by law.

 (E) A state or local government agency that redacts or withholds information under this article shall provide to thea requestor a description of the redacted or withheld information and a citation to this article.

 (F) Nothing in this article shall be construed to limit access to otherwise protected information available by applicable law including, but not limited, to the Driver's Privacy Protection Act (18 U.S.C.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C.A. Section 1681, et seq.).

SECTION 7. Chapter 2, Title 30 of the S.C. Code is amended by adding:

 Section 30‑2‑715. Any eligible requesting party may petition the court for an order directing compliance with this article. Liability may not accrue to a state or local government employee or to his agents for claims or damages that arise from personal contact information on the public record.

SECTION 8. The South Carolina Court Administration shall create a form for judges to use to request a state or local government agency remove or redact personal contact information from an image or a copy of an official record placed on a publicly available internet website maintained by or operated on behalf of the state or local government agency. The form shall be created in collaboration with the South Carolina Criminal Justice Academy to ensure consistent information is provided to the state or local government agency. The form must contain fields for the following information: legal name; date of birth; home address; tax map numbers, if applicable; driver’s license number; personal email address; dates of service; status of service; the location of the information on the website or the Register of Deeds book and page number of a deed recorded, if applicable; and an exception section to notify a state or local government agency of rescission of the request to protect personal contact information and to permit a disclosure of personal contact information for a specific purpose and for a limited time.

SECTION 9. This act takes effect on July 1, 2024.

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