**A** **BILL**

TO AMEND SECTION 16‑5‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRIMINAL OFFENSE OF HINDERING A LAW ENFORCEMENT OFFICER, SO AS TO PROVIDE THAT SUCH OFFENSE DOES NOT APPLY TO A PERSON WHO PHOTOGRAPHS OR RECORDS A LAW ENFORCEMENT OFFICER PERFORMING THE OFFICER’S OFFICIAL DUTIES WHILE THE OFFICER IS IN A PUBLIC PLACE OR THE PERSON IS IN A PLACE THE PERSON HAS THE RIGHT TO BE.

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

SECTION 1. Section 16‑5‑50 of the 1976 Code is amended to read:

“Section 16‑5‑50. (A) ~~Any~~ A person ~~who~~ shall not:

~~(a)~~(1) hinder, prevent, or obstruct ~~any~~ a law enforcement officer or other person charged with the execution of ~~any~~ a warrant or other process issued ~~under~~ pursuant to ~~the provisions of~~ this chapter in arresting ~~any~~ a person for whose apprehension such warrant or ~~other~~ process may have been issued~~,~~;

~~(b)~~(2) rescue or attempt to rescue such person from the custody of the officer or person ~~or persons~~ lawfully assisting ~~him~~ the officer~~, as aforesaid,~~;

~~(c)~~(3) aid, abet, or assist ~~any~~ a person so arrested, ~~as aforesaid,~~ directly or indirectly, to escape from the custody of the officer or person ~~or persons~~ assisting ~~him~~ the officer~~, as aforesaid,~~; or

~~(d)~~(4) harbor or conceal ~~any~~ a person for whose arrest a warrant or other process ~~shall have~~ has been issued, so as to prevent ~~his~~ the person’s discovery and arrest, after notice or knowledge of the ~~fact of the~~ issuing of such warrant or ~~other~~ process~~, shall, on conviction for any such offense, be subject to a fine of~~.

(B)(1) This section does not apply to a person who photographs or records a law enforcement officer performing the officer’s official duties while the officer is in a public place or the person is in a place the person has the right to be.

(2) The officer shall not:

(a) intentionally hinder, prevent, or obstruct the person from taking a photograph or making a recording;

(b) detain, arrest, threaten, intimidate, or otherwise harass the person;

(c) search or seize the photograph, recording, or device used to take the photograph or make the recording without the person’s permission or a warrant; or

(d) damage or destroy the photograph, recording, or device used to take the photograph or make the recording.

If the officer violates this subitem, the person has a civil cause of action against the officer and the officer’s law enforcement agency.

(C) Except as provided in item (2) of subsection (B), a person who violates this section is guilty of a misdemeanor, and, upon conviction, must be fined not more than three thousand dollars or ~~imprisonment~~ imprisoned for not more than three years, or both~~, at the discretion of the court having jurisdiction~~.”

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

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