**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3327**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rose

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Introduced in the House on January 10, 2023

Currently residing in the House Committee on **Judiciary**

Summary: FOIA violation penalties

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/8/2022 House Prefiled

 12/8/2022 House Referred to Committee on **Judiciary**

 1/10/2023 House Introduced and read first time (House Journal‑page 135)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 135)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3327&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3327_20221208.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 30‑4‑100, relating to REMEDIES AVAILABLE FOR VIOLATIONS OF THE FREEDOM OF INFORMATION ACT, so as to LIMIT THE TIME PERIOD WITHIN WHICH THE CIRCUIT COURT MUST MAKE A FINAL RULING ON AN ACTION TO ENFORCE PROVISIONS OF THE ACT TO ONE YEAR AFTER FILING, AND TO MANDATE THE AWARD OF REASONABLE ATTORNEY’S FEES AND COSTS TO A PARTY THAT SUCCESSFULLY SEEKS SUCH REMEDIES.

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

SECTION 1. Section 30‑4‑100 of the S.C. Code is amended to read:

 Section 30‑4‑100. (A) A citizen of the State may apply to the circuit court for a declaratory judgment, injunctive relief, or both, to enforce the provisions of this chapter in appropriate cases if the application is made no later than one year after the date of the alleged violation or one year after a public vote in public session, whichever comes later. Upon the filing of the request for declaratory judgment or injunctive relief related to provisions of this chapter, the chief administrative judge of the circuit court must schedule an initial hearing within ten days of the service on all parties. If the hearing court is unable to make a final ruling at the initial hearing, the court shall establish a scheduling order to conclude actions brought pursuant to this chapter within six months of initial filing. The court may extend this time period upon a showing of good cause but in no event may the court extend this time period beyond one year of initial filing. The court may order equitable relief as it considers appropriate, and a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.

 (B) If a person or entity seeking relief under this section prevails, he may must be awarded reasonable attorney's fees and other costs of litigation specific to the request. If the person or entity prevails in part, the court may in its discretion shall award him reasonable attorney's fees and other costs of litigation specific to the request or an appropriate portion of those attorney's fees and costs of litigation. In no event may attorney’s fees or litigation costs be awarded to a public body that is a party to an action brought pursuant to this chapter.

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

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