**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3543**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Thigpen and Wooten

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Introduced in the House on January 10, 2023

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

Summary: Law Enforcement Officers Helping Alleviate Lawful Obstruction Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/15/2022 House Prefiled

 12/15/2022 House Referred to Committee on **Judiciary**

 1/10/2023 House Introduced and read first time (House Journal‑page 204)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 204)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3543&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3543_20221215.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “LAW ENFORCEMENT OFFICERS HELPING ALLEVIATE LAWFUL OBSTRUCTION (HALO) ACT” BY ADDING SECTION 16-3-1092 SO AS TO PROVIDE THAT BYSTANDERS SHALL REMAIN AT LEAST TWELVE FEET AWAY FROM LAW ENFORCEMENT OFFICERS WHEN THE OFFICERS ARE APPREHENDING, ARRESTING, SEARCHING, OR CONSULTING AN INDIVIDUAL WHEN THE BYSTANDERS ARE RECORDING THE ACTIONS OF THE OFFICERS, AND TO PROVIDE A PENALTY.

Whereas, roughly 429 police officers died in the line of duty in 2020, with 51 of those caused by gunfire; and

Whereas, in 2021, a total of 655 officers died with 64 of those caused by gunfire; and

Whereas, since the start of 2022, at least 211 law enforcement officers across the United States have died while on duty with at least 58 of those deaths caused by gunfire; and

Whereas, a citizen has the right to video record or take pictures of anything within plain view in an outdoor public place where he legally is present; and

Whereas, video recording of law enforcement encounters in public is one of the few ways community members and the media can hold law enforcement officers accountable for misconduct. It has raised public awareness about police brutality and ignited movements to demand reform across the country; and

Whereas, the constitutional right to record law enforcement officers engaged in their official duties is one of the most effective accountability tools against officer wrongdoing; and

Whereas, due to the increasing trend of bystanders recording law enforcement officer-involved incidents, many officers have developed the mentality to treat every citizen encounter as if it is being recorded; and

Whereas, with the pervasive use of cell phones and other recording devices, it increasingly is common to see videos of crimes and criminal suspects on social media before a law enforcement officer arrives on the scene of a crime; and

Whereas, in order to protect our law enforcement officers while they perform their jobs, bystanders who record an incident involving a law enforcement officer should remain at a safe distance from the scene of the incident site; and

Whereas, while every South Carolina citizen has the right to hold law enforcement officers accountable by recording their activities in public, it is the public policy of this State to ensure law enforcement officers are safe when performing their official duties. Now, therefore,

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

SECTION 1. This act may be cited as the “Law Enforcement Officers Helping Alleviate Lawful Obstruction (HALO) Act”.

SECTION 2. Article 11, Chapter 3, Title 16 of the S.C. Code is amended by adding:

 Section 16‑3‑1092. A bystander who is recording an incident scene with a camera or another recording device must remain no less than twelve feet from a law enforcement officer while the officer is apprehending, arresting, searching, or consulting an individual. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days.

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

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