

# South Carolina Legislature

## Session 112 - (1997-1998)

### **S\*0022 (Rat #0504, Act #0423 of 1998) General Bill, By Leatherman**

A BILL TO AMEND SECTION 30-4-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INSPECTION OR COPYING OF PUBLIC RECORDS AND THE AVAILABILITY OF PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO REVISE THE PROCEDURE FOR MAKING CERTAIN RECORDS AVAILABLE WHEN THE REQUESTOR APPEARS IN PERSON TO INSPECT OR COPY THE RECORDS; TO AMEND SECTION 30-4-40, AS AMENDED, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE THAT A PUBLIC BODY MAY, BUT IS NOT REQUIRED TO, EXEMPT FROM DISCLOSURE CERTAIN INFORMATION, TO SPECIFY THAT DOCUMENTS INCIDENTAL TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALES OR PURCHASES OF PROPERTY ARE NOT EXEMPT FROM DISCLOSURE ONCE THE CONTRACT IS ENTERED INTO OR THE PROPERTY IS SOLD OR PURCHASED, TO PROVIDE THAT A CONTRACT FOR THE SALE OR PURCHASE OF REAL ESTATE REMAINS EXEMPT FROM DISCLOSURE UNTIL THE DEED IS EXECUTED, WITH THIS EXEMPTION APPLYING ONLY TO THOSE CONTRACTS OF SALE OR PURCHASE IN WHICH THE EXECUTION OF THE DEED OCCURS WITHIN TWELVE MONTHS FROM THE DATE OF THE SALE OR PURCHASE, TO PROVIDE THAT CONFIDENTIAL PROPRIETARY INFORMATION PROVIDED TO A PUBLIC BODY FOR ECONOMIC DEVELOPMENT OR CONTRACT NEGOTIATION PURPOSES IS NOT REQUIRED TO BE DISCLOSED, TO SPECIFY THAT CERTAIN PUBLIC EMPLOYEE RECORDS GATHERED BY A PUBLIC BODY DURING A SEARCH TO FILL AN EMPLOYMENT POSITION ARE EXEMPT FROM DISCLOSURE, WITH CERTAIN EXCEPTIONS; TO PROVIDE THAT DATA, RECORDS, OR INFORMATION OF A PROPRIETARY NATURE PRODUCED OR COLLECTED BY OR FOR FACULTY OR STAFF OF STATE INSTITUTIONS OF HIGHER EDUCATION UNDER CERTAIN CONDITIONS ARE EXEMPT FROM DISCLOSURE, AND TO EXEMPT FROM DISCLOSURE THE IDENTITY, OR INFORMATION TENDING TO REVEAL THE IDENTITY, OF ANY INDIVIDUAL WHO IN GOOD FAITH MAKES A COMPLAINT OR DISCLOSES INFORMATION WHICH ALLEGES A VIOLATION OR POTENTIAL VIOLATION OF LAW OR REGULATION TO A STATE REGULATORY AGENCY; TO AMEND SECTION 30-4-50, AS AMENDED, RELATING TO INFORMATION DECLARED PUBLIC INFORMATION UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO DELETE "INCIDENT" AS THE ONLY TYPE OF REPORT DISCLOSING CERTAIN INFORMATION INVOLVING A CRIME OR AN ALLEGED CRIME; AND TO AMEND SECTION 30-4-70, RELATING TO MEETINGS THAT MAY BE CLOSED TO THE PUBLIC PURSUANT TO THE FREEDOM OF INFORMATION ACT, SO AS TO SPECIFY THAT AN EXECUTIVE SESSION FOR RECEIPT OF LEGAL ADVICE IS PERMITTED ONLY WHEN THE LEGAL ADVICE RELATES TO A PENDING, THREATENED, OR POTENTIAL CLAIM OR OTHER MATTERS COVERED BY ATTORNEY-CLIENT PRIVILEGE, TO DEFINE THE TERM "SPECIFIC PURPOSE", TO PROVIDE THAT WHEN THE EXECUTIVE SESSION IS HELD PURSUANT TO SECTION 30-4-70(a)(1) OR 30-4-70 (a)(5), THE IDENTITY OF THE INDIVIDUAL BEING DISCUSSED DOES NOT HAVE TO BE DISCLOSED TO SATISFY THE REQUIREMENT THAT THE SPECIFIC PURPOSE OF THE EXECUTIVE SESSION IS STATED, TO DELETE THE DEFINITION OF "FORMAL ACTION", TO PROVIDE THAT NO ACTION MAY BE TAKEN IN EXECUTIVE SESSION EXCEPT TO ADJOURN OR RETURN TO PUBLIC SESSION; AND TO PROVIDE THAT MEMBERS OF PUBLIC BODIES MAY NOT COMMIT THE BODY TO A COURSE OF ACTION BY A VOTE OR BY POLLING OF MEMBERS IN EXECUTIVE SESSION.-AMENDED TITLE

01/14/97Senate Introduced and read first time **SJ-92**

01/14/97Senate Referred to Committee on Judiciary **SJ-92**

03/19/97Senate Committee report: Favorable with amendment Judiciary **SJ-10**

03/25/97Senate Amended **SJ-9**

03/25/97Senate Read second time **SJ-9**

03/25/97Senate Ordered to third reading with notice of amendments **SJ-9**

01/20/98Senate Read third time and sent to House **SJ-21**

01/21/98House Introduced and read first time **HJ-9**

01/21/98House Referred to Committee on Judiciary **HJ-9**

04/08/98House Committee report: Favorable with amendment Judiciary **HJ-42**

04/15/98House Amended **HJ-69**  
04/15/98House Requests for debate-Rep(s). Robinson, Davenport, Hinson, Spearman, Littlejohn, Allison, J. Hines, Young-Brickell, Knotts, Cave, Woodrum, Riser, J. Brown, Breeland & McMahan **HJ-73**  
04/16/98House Requests for debate removed-Rep(s). Robinson, Spearman, Davenport & Woodrum **HJ-23**  
04/16/98House Read second time **HJ-49**  
04/16/98House Roll call Yeas-105 Nays-0 **HJ-50**  
04/16/98House Unanimous consent for third reading on next legislative day **HJ-50**  
04/17/98House Read third time and returned to Senate with amendments **HJ-7**  
04/21/98Senate Recommited to Committee on Judiciary **SJ-11**  
04/29/98Senate Recalled from Committee on Judiciary **SJ-9**  
04/30/98Senate House amendment amended **SJ-21**  
04/30/98Senate Returned to House with amendments **SJ-21**  
05/06/98House Point of order- Senate amendments not printed and on member's desks for 24 hours **HJ-16**  
05/07/98House Non-concurrence in Senate amendment **HJ-21**  
05/12/98Senate Senate insists upon amendment and conference committee appointed Sens.McConnell, Courtney, Ford **SJ-14**  
05/12/98House Conference committee appointed Reps. Klauber, Young & Hawkins **HJ-29**  
06/04/98House Conference report received and adopted **HJ-185**  
06/04/98Senate Conference report received and adopted **SJ-205**  
06/04/98House Ordered enrolled for ratification **HJ-207**  
06/10/98 Ratified R 504  
06/12/98 Signed By Governor  
06/12/98 Effective date 06/12/98  
07/07/98 Copies available  
07/07/98 Act No. 423

SECTION 7. Section 30-4-50(A)(8) of the 1976 Code, as last amended by Act 269 of 1992, is further amended to read:

"(8) ~~incident~~ reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where ~~an a~~ ~~incident~~ report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the ~~incident~~ report."