

South Carolina General Assembly
122nd Session, 2017-2018

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H. 3014

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION [15-75-70](#) SO AS TO PROVIDE A CIVIL CAUSE OF ACTION FOR A PERSON HARMED BY THE MALICIOUS PUBLICATION OF PHOTOGRAPHS ON A SOCIAL MEDIA WEBSITE AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Chapter 75, Title 15 of the 1976 Code is amended by adding:

"Section [15-75-70](#). (A) A person may be liable in a civil action for damages arising from the malicious publication of photographs or other similar images on a website accessible by the public including, but not limited to, a social media website if he intends to harm the person's character or reputation and such harm to the person's character or reputation is proven by a preponderance of the evidence.

(B) As used in this section, the term:

- (1) 'Malicious' means an action taken with actual malice aforethought.
- (2) 'Photograph' includes all photographs, including those which are unaltered, retouched, or otherwise edited.
- (3) 'Publication' means the dissemination of the photograph without the knowledge or consent of the party in the photograph.
- (4) 'Social Media' means a category of Internet sites based on user participation and user-generated content centered on user interaction."

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

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