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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