

**South Carolina General Assembly**  
122nd Session, 2017-2018

**H. 3481**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McCoy and Stavrinakis

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Introduced in the House on January 17, 2017

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

Summary: Arrest and booking records

**HISTORY OF LEGISLATIVE ACTIONS**

| <u>Date</u> | <u>Body</u> | <u>Action Description with journal page number</u>                                 |
|-------------|-------------|--|
| 1/17/2017   | House       | Introduced and read first time ( <a href="#">House Journal-page 8</a> )            |
| 1/17/2017   | House       | Referred to Committee on <b>Judiciary</b> ( <a href="#">House Journal-page 8</a> ) |

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**VERSIONS OF THIS BILL**

[1/17/2017](#)

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**A BILL**

11 TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF  
12 LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE  
13 DESTRUCTION OF ARREST AND BOOKING RECORDS, SO  
14 AS TO PROVIDE THAT A PERSON OR ENTITY WHO  
15 PUBLISHES ON THE PERSON OR ENTITY’S WEBSITE THE  
16 ARREST AND BOOKING RECORDS OF A PERSON WHOSE  
17 CHARGES HAVE BEEN DISCHARGED OR DISMISSED, OR  
18 WHO IS FOUND NOT GUILTY OF A CHARGE, WITHOUT  
19 FEE OR COMPENSATION, SHALL REMOVE THE ARREST  
20 AND BOOKING RECORDS WITHIN THIRTY DAYS OF A  
21 WRITTEN REQUEST, AND TO PROVIDE A PENALTY FOR A  
22 VIOLATION.

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

27 SECTION 1. Section 17-1-40 of the 1976 Code, as last amended  
28 by Act 132 of 2016, is further amended by adding an appropriately  
29 lettered subsection at the end to read:

30

31 “(1) A person or entity who publishes on the person or entity’s  
32 website the arrest and booking records, including mug shots, of a  
33 person who is arrested and booked in this State is deemed to be  
34 transacting business in this State.

35 (2) Except as provided in item (3), within thirty days of the  
36 sending of a written request by a person described in subsection (A),  
37 including the person’s name, date of birth, date of arrest, and the  
38 name of the arresting law enforcement agency, a person or entity,  
39 without fee or compensation, shall remove from the person or  
40 entity’s website any arrest and booking records, including mug  
41 shots, of the person described in subsection (A).

42 (3) If the original charge against the person described in  
43 subsection (A) is discharged or dismissed as a result of the person  
44 pleading to a lesser offense, the person or entity who publishes the

1 website is not required to remove the records; however, the person  
2 or entity shall change the published information to reflect the lesser  
3 offense instead of the original charge.

4 (4) The written request must be sent via certified mail, return  
5 receipt requested, to the registered agent, principal place of  
6 business, or primary residence of the person or entity who publishes  
7 the website.

8 (5) A person or entity who publishes a website and violates  
9 the provisions of this subsection is guilty of a misdemeanor and,  
10 upon conviction, must be fined not more than five hundred dollars  
11 or imprisoned not more than thirty days, or both.

12 (6) A person described in subsection (A) may file a civil cause  
13 of action against a person or entity who publishes a website and  
14 violates the provisions of this subsection.”

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

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