**South Carolina General Assembly**

124th Session, 2021-2022

**A183, R199, H3271**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Henderson‑Myers, Govan, Hyde, T. Moore, Weeks, G.M. Smith, King, McDaniel, Collins, A.M. Morgan and Caskey

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Introduced in the House on January 12, 2021

Introduced in the Senate on March 15, 2022

Last Amended on May 5, 2022

Passed by the General Assembly on May 11, 2022

Governor's Action: May 16, 2022, Signed

Summary: Name change, petitions

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/9/2020 House Prefiled

 12/9/2020 House Referred to Committee on **Judiciary**

 1/12/2021 House Introduced and read first time ([House Journal‑page 140](file:///h%3A%5Chj%5C20210112.docx))

 1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 140](file:///h%3A%5Chj%5C20210112.docx))

 2/24/2021 House Member(s) request name added as sponsor: Govan, Hyde, T.Moore, Weeks, G.M.Smith, King, McDaniel, Collins, Morgan, Caskey

 3/9/2022 House Committee report: Favorable **Judiciary** ([House Journal‑page 34](file:///h%3A%5Chj%5C20220309.docx))

 3/10/2022 House Read second time ([House Journal‑page 62](file:///h%3A%5Chj%5C20220310.docx))

 3/10/2022 House Roll call Yeas‑110 Nays‑0 ([House Journal‑page 62](file:///h%3A%5Chj%5C20220310.docx))

 3/10/2022 House Unanimous consent for third reading on next legislative day ([House Journal‑page 64](file:///h%3A%5Chj%5C20220310.docx))

 3/11/2022 House Read third time and sent to Senate

 3/15/2022 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h%3A%5Csj%5C20220315.docx))

 3/15/2022 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 9](file:///h%3A%5Csj%5C20220315.docx))

 4/20/2022 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 13](file:///h%3A%5Csj%5C20220420.docx))

 5/3/2022 Senate Read second time ([Senate Journal‑page 39](file:///h%3A%5Csj%5C20220503.docx))

 5/3/2022 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 39](file:///h%3A%5Csj%5C20220503.docx))

 5/5/2022 Senate Amended ([Senate Journal‑page 11](file:///h%3A%5Csj%5C20220505.docx))

 5/5/2022 Senate Read third time and returned to House with amendments ([Senate Journal‑page 11](file:///h%3A%5Csj%5C20220505.docx))

 5/5/2022 Senate Roll call Ayes‑35 Nays‑0 ([Senate Journal‑page 11](file:///h%3A%5Csj%5C20220505.docx))

 5/6/2022 Scrivener's error corrected

 5/11/2022 House Concurred in Senate amendment and enrolled ([House Journal‑page 65](file:///h%3A%5Chj%5C20220511.docx))

 5/11/2022 House Roll call Yeas‑106 Nays‑0 ([House Journal‑page 65](file:///h%3A%5Chj%5C20220511.docx))

 5/12/2022 Ratified R 199 ([Senate Journal‑page 217](file:///h%3A%5Csj%5C20220512.docx))

 5/16/2022 Signed By Governor

 5/31/2022 Effective date 05/16/22

 5/31/2022 Act No.  183

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3271&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p%3A%5Cpprever%5C2021-22%5C3271_20201209.docx)

[3/9/2022](file:///p%3A%5Cpprever%5C2021-22%5C3271_20220309.docx)

[4/20/2022](file:///p%3A%5Cpprever%5C2021-22%5C3271_20220420.docx)

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[5/6/2022](file:///p%3A%5Cpprever%5C2021-22%5C3271_20220506.docx)

(A183, R199, H3271)

**AN ACT TO AMEND SECTIONS 15‑49‑10 AND 15‑49‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETITIONS FOR A CHANGE OF NAME, SO AS TO REQUIRE A PETITIONER TO HAVE RESIDED IN THE STATE OF SOUTH CAROLINA FOR AT LEAST SIX MONTHS TO BE ELIGIBLE TO APPLY FOR A NAME CHANGE, WITH EXCEPTIONS; AND FOR OTHER PURPOSES.**

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

**Applications for change of name**

SECTION 1. Section 15‑49‑10(A) of the 1976 Code is amended to read:

 “(A) A person who has been a resident of the State of South Carolina for at least six months and who desires to change his name may petition, in writing, a family court judge in the appropriate circuit, setting forth the reason for the change, his age, his place of residence and birth, and the name by which he desires to be known.”

**Petition requirements**

SECTION 2. Section 15‑49‑20(A) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

 “( ) an affidavit signed by the petitioner which provides that the petitioner is currently a resident of the State of South Carolina and has been a resident of the State for at least six months. The petitioner shall attach to the affidavit proof of residency in South Carolina of at least six months, which may be as documented on any form of proof of residency deemed acceptable by the South Carolina Department of Motor Vehicles when issuing a driver’s license. To protect the petitioner’s safety, the court may waive the six months’ residency requirement if the petitioner provides evidence that:

 (a) the petitioner is a victim of domestic violence, dating violence, stalking, harassment, sexual offenses, trafficking in persons, or other abuse; and

 (b) the petitioner is currently in reasonable fear of the petitioner’s safety.

Evidence shall include, but not be limited to:

 (i) law enforcement, court, or other federal or state agency applications, records, or files;

 (ii) documentation from an agency or nonprofit organization that provides specialized assistance or services to victims of domestic violence, dating violence, stalking, harassment, sexual offenses, trafficking in persons, or other abuse; or

 (iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance in connection with the alleged victimization.”

**Sealed court records**

SECTION 3. Section 15‑49‑20 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

 “( ) Upon the petitioner’s request, after granting the name change, the court shall seal the file if the court finds that the safety of the petitioner seeking the name change or the safety of the petitioner’s child or ward warrants sealing the file. In all cases filed under this subsection, where the court orders that the file be sealed, any court record of the name change petition, proceeding, or order shall not be made public.”

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 12th day of May, 2022.

Approved the 16th day of May, 2022.

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