**South Carolina General Assembly**

124th Session, 2021-2022

**A59, R73, S609**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Alexander

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Introduced in the Senate on February 24, 2021

Introduced in the House on April 13, 2021

Passed by the General Assembly on May 12, 2021

Governor's Action: May 17, 2021, Signed

Summary: Access to tax information

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/24/2021 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h%3A%5Csj%5C20210224.docx))

 2/24/2021 Senate Referred to Committee on **Finance** ([Senate Journal‑page 6](file:///h%3A%5Csj%5C20210224.docx))

 3/31/2021 Senate Committee report: Favorable **Finance** ([Senate Journal‑page 10](file:///h%3A%5Csj%5C20210331.docx))

 4/7/2021 Senate Read second time ([Senate Journal‑page 56](file:///h%3A%5Csj%5C20210407.docx))

 4/7/2021 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 56](file:///h%3A%5Csj%5C20210407.docx))

 4/8/2021 Senate Read third time and sent to House ([Senate Journal‑page 39](file:///h%3A%5Csj%5C20210408.docx))

 4/13/2021 House Introduced and read first time ([House Journal‑page 9](file:///h%3A%5Chj%5C20210413.docx))

 4/13/2021 House Referred to Committee on **Ways and Means** ([House Journal‑page 9](file:///h%3A%5Chj%5C20210413.docx))

 5/4/2021 House Committee report: Favorable **Ways and Means** ([House Journal‑page 78](file:///h%3A%5Chj%5C20210504.docx))

 5/6/2021 House Debate adjourned until Tues., 5‑11‑21 ([House Journal‑page 21](file:///h%3A%5Chj%5C20210506.docx))

 5/11/2021 House Requests for debate‑Rep(s).  King ([House Journal‑page 25](file:///h%3A%5Chj%5C20210511.docx))

 5/11/2021 House Read second time ([House Journal‑page 25](file:///h%3A%5Chj%5C20210511.docx))

 5/11/2021 House Roll call Yeas‑95 Nays‑1 ([House Journal‑page 25](file:///h%3A%5Chj%5C20210511.docx))

 5/12/2021 House Read third time and enrolled ([House Journal‑page 5](file:///h%3A%5Chj%5C20210512.docx))

 5/13/2021 Ratified R 73

 5/17/2021 Signed By Governor

 6/1/2021 Effective date 05/17/21

 6/1/2021 Act No.  59

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=609&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/24/2021](file:///p%3A%5Cpprever%5C2021-22%5C609_20210224.docx)

[3/31/2021](file:///p%3A%5Cpprever%5C2021-22%5C609_20210331.docx)

[5/4/2021](file:///p%3A%5Cpprever%5C2021-22%5C609_20210504.docx)

(A59, R73, S609)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑2‑140 SO AS TO AUTHORIZE STATE AGENCIES AND POLITICAL SUBDIVISIONS THAT HAVE ACCESS TO FEDERAL TAX INFORMATION TO CONDUCT CRIMINAL BACKGROUND CHECKS ON ITS EMPLOYEES AND CONTRACTORS.**

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

**Federal tax information, background checks**

SECTION 1. Chapter 2, Title 12 of the 1976 Code is amended by adding:

 “Section 12‑2‑140. (A) Each state agency and each political subdivision of the State, is authorized, as necessary to comply with Internal Revenue Service Publication 1075, including amendments thereto and publications replacing Publication 1075, to obtain state and national criminal history background checks and investigations performed by the State Law Enforcement Division and the Federal Bureau of Investigation on all employees and contractors with access to federal tax information. The State Law Enforcement Division is authorized to conduct fingerprint‑based state and national background checks for state agencies, state institutions, and political subdivisions of the State which have access to federal tax information in order to comply with Publication 1075.

 (B) An employee or contractor of a state agency or a political subdivision of the State with access to or that uses federal tax information must:

 (1) agree to a national background check and the release of all investigative records to the applicable state agency or political subdivision for the purpose of verifying criminal history information for noncriminal justice purposes; and

 (2) supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by the State Law Enforcement Division, and then submit to a national criminal history background check to be conducted by the Federal Bureau of Investigation.

 (C) Except as otherwise provided in this section, a state agency or political subdivision shall pay any costs incurred to conduct background checks and investigations requested by the state agency or political subdivision. The state agency or political subdivision may require a person or entity contracting with the agency or political subdivision to pay the costs associated with the background investigations for all employees of the contractor. The requirement may be a condition of the contract with the state agency or political subdivision.

 (D) Each state agency or political subdivision required to conduct background checks and investigations pursuant to this section shall establish written policies concerning the implementation and use of the background checks and investigations conducted pursuant to this section.

 (E) For purposes of this section, ‘state agency’ includes state departments and state institutions.”

**Time effective**

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

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

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