~~Indicates Matter Stricken~~

Indicates New Matter

AS PASSED BY THE SENATE

May 5, 2022

**H. 3271**

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

S. Printed 5/5/22--S.

Read the first time March 15, 2022.

**A** **BILL**

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.

Amend Title To Conform

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

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.”

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.”

SECTION 3. Section 15‑49‑20 of the 1976 Code is amended by adding an appropriately numbered 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.”

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

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