

LEGISLATIVE EXECUTIVE BRIEF

Decisions Requested of the General Assembly

Purpose

The South Carolina Digital Bill of Rights is the constitutional framework already circulated to South Carolina legislators. This Judiciary packet develops the legislative implementation and supporting analysis necessary to translate that framework into enforceable South Carolina law.

Five Decisions Requested of the General Assembly

- **Recognize the need for a technology-neutral statutory framework** protecting constitutional liberty as governmental surveillance, data acquisition, artificial intelligence, biometric systems, automated decision making, and other high-consequence digital technologies expand.
- **Direct Legislative Council and appropriate committees to evaluate statutory implementation** of the Digital Bill of Rights principles, including privacy, government acquisition by proxy, due process, independent human review, independent verification, auditability, procurement and supply chain accountability, records, transparency, oversight, and remedies.
- **Review existing South Carolina Code provisions** to identify laws that should be preserved, strengthened, modernized, amended, or conformed to the framework, while identifying conflicts, gaps, and provisions that no longer adequately address modern governmental technologies.
- **Address statutory gaps through affirmative, technology-neutral legislation**, including gaps involving automated license plate reader systems and other surveillance or high-consequence governmental technologies, rather than relying exclusively upon vendor-, product-, or technology-specific rules. Coordinate related legislative work where distinct issues—including private-land surveillance and image, voice, likeness, biometric, or children's digital-information protections—require separate or complementary statutory treatment.
- **Use the proposed Digital Liberty and Government Technology Accountability Act as a starting point for committee-ready legislation, Legislative Council refinement, and appropriate conforming amendments** that preserve legitimate governmental and law-enforcement functions while requiring lawful authority, constitutional process, accountable human decision-making, independently verifiable and auditable systems,

meaningful governmental oversight, procurement and supply-chain accountability, and enforceable remedies.

The objective is not to prohibit technological innovation or prescribe particular technologies.

It is to establish durable rules governing governmental power by **function and effect**, so that constitutional protections do not depend upon the technology, vendor, platform, component, or system through which governmental power is exercised.