

Session 113 - (1999-2000)

S\*0300 (Rat #0402, Act #0362 of 2000) General Bill, By Hutto

**Summary:** Constables, special state appointed; Torts committed by; Law Enforcement, liability exception; Secretary of State

A BILL TO AMEND SECTION 15-78-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSTANCES IN WHICH A GOVERNMENTAL ENTITY IS NOT LIABLE FOR CERTAIN LOSSES, SO AS TO PROVIDE THAT A GOVERNMENTAL ENTITY IS NOT LIABLE FOR CERTAIN ACTS OR OMISSIONS COMMITTED BY SPECIAL STATE CONSTABLES APPOINTED UPON THE RECOMMENDATION OF THE UNITED STATES ATOMIC ENERGY COMMISSION; TO AMEND SECTION 23-7-30, RELATING TO THE OATH CERTAIN SPECIAL STATE CONSTABLES MUST TAKE AND THE SURETY BOND THEY MUST GIVE AND FILE IN THE OFFICE OF THE SECRETARY OF STATE, SO AS TO DELETE THE PROVISION THAT REQUIRES THAT THE GIVING AND FILING OF A SURETY BOND WITH THE SECRETARY OF STATE IS CONDITIONED UPON THE PAYMENT OF ANY JUDGMENT AGAINST A SPECIAL STATE CONSTABLE IN ANY COURT UPON A CLAIM OR CAUSE OF ACTION ARISING OUT OF A BREACH OR ABUSE OF OFFICIAL DUTY OR POWER OR OTHER UNLAWFUL ACT COMMITTED UNDER COLOR OF OFFICE; AND TO AMEND SECTION 23-7-70, RELATING TO CERTAIN SPECIAL STATE CONSTABLES AND THEIR SURETIES BEING ANSWERABLE ON THE SPECIAL STATE CONSTABLES' BOND FOR THEIR ACTS OF MALFEASANCE, NONFEASANCE, MISFEASANCE, OR ANY UNLAWFUL ACT PERFORMED UNDER COLOR OF OFFICE, SO AS TO DELETE THIS PROVISION AND PROVIDE THAT THE STATE'S TORT CLAIMS ACT IS THE SOLE REMEDY FOR ANY TORT COMMITTED BY CERTAIN SPECIAL STATE CONSTABLES WHILE ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES.-AMENDED TITLE

12/16/98	Senate	Prefiled
12/16/98	Senate	Referred to Committee on Judiciary
01/12/99	Senate	Introduced and read first time SJ-116
01/12/99	Senate	Referred to Committee on Judiciary SJ-116
03/22/00	Senate	Committee report: Favorable with amendment Judiciary SJ-5
03/23/00	Senate	Amended SJ-34
03/23/00	Senate	Read second time SJ-34
03/28/00	Senate	Read third time and sent to House SJ-242
03/29/00	House	Introduced and read first time HJ-11
03/29/00	House	Referred to Committee on Judiciary HJ-12
05/24/00	House	Committee report: Favorable Judiciary HJ-3
05/30/00	House	Read second time HJ-21
05/31/00	House	Read third time and enrolled HJ-8
06/08/00		Ratified R 402
06/14/00		Signed By Governor
06/14/00		Effective date 06/14/00
06/29/00		Copies available
06/29/00		Act No. 362