**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3133**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, Daning, G.R. Smith, Viers and Erickson

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Companion/Similar bill(s): 18

Introduced in the House on January 11, 2011

Currently residing in the House Committee on **Judiciary**

Summary: S.C. Teacher Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2010 House Prefiled

12/7/2010 House Referred to Committee on **Judiciary**

1/11/2011 House Introduced and read first time ([House Journal‑page 58](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 58](file:///h:\hj%20archive\2011\01-11-11.docx))

1/19/2011 House Member(s) request name added as sponsor: Viers

1/25/2011 House Member(s) request name added as sponsor: Erickson

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p:\pprever\2011-12\3133_20101207.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA TEACHER PROTECTION ACT OF 2011”; BY ADDING SECTION 15‑78‑230 SO AS TO PROVIDE PROTECTION FROM CIVIL LIABILITY FOR TEACHERS ACTING IN THE SCOPE OF THEIR EMPLOYMENT AND TO PROVIDE AN EXCEPTION TO THIS PROTECTION; BY ADDING SECTION 59‑25‑900 SO AS TO PROVIDE THAT A PERSON ASSOCIATED WITH A SCHOOL IN AN OFFICIAL CAPACITY WHO IS INJURED TO THE DEGREE THAT THE PERSON IS UNABLE TO RETURN TO HIS FORMER POSITION BY A STUDENT CONVICTED OF A VIOLATION OF AN ASSAULT AND BATTERY OFFENSE PURSUANT TO SECTION 16‑3‑600 THAT CAUSED THE INJURY MUST BE ALLOWED TO CONTINUE IN ALL RETIREMENT, INSURANCE, AND DEFERRED COMPENSATION PROGRAMS IN WHICH THE PERSON WAS ENROLLED AT THE TIME OF THE INJURY WITH THE EMPLOYER REQUIRED TO CONTINUE EMPLOYER CONTRIBUTIONS ON BEHALF OF THE INJURED EMPLOYEE; AND TO AMEND SECTIONS 16‑3‑1535, AS AMENDED, 16‑3‑1545, AND 16‑3‑1550, ALL RELATING TO THE REQUIREMENTS FOR NOTICE FOR CRIME VICTIMS AND WITNESSES TO CRIMES IN CRIMINAL AND JUVENILE OFFENDER PROCEEDINGS, SO AS TO REQUIRE JUDGES IN THESE PROCEEDINGS TO MAKE A SPECIFIC INQUIRY INTO COMPLIANCE WITH THESE NOTICE REQUIREMENTS.

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

SECTION 1. This act may be cited as the “South Carolina Teacher Protection Act of 2011”.

SECTION 2. Chapter 78, Title 15 of the 1976 Code is amended by adding:

“Section 15‑78‑230. (A) As used in this section:

(1) ‘Teacher’ means a:

(a) licensed teacher, principal, administrator, or other educational professional who works on school grounds;

(b) professional or nonprofessional employee who works on school grounds and has responsibility for maintaining order, discipline, or ensuring safety; and

(c) school employee who, in an emergency, is called upon to maintain order, discipline, or to ensure safety.

(2) ‘School’ means a public or private kindergarten, public or private elementary school, public or private middle school or junior high, public or private high school, vocational school, secondary school, or home school that includes students not related by blood to the operator.

(3) ‘Student’ means a person enrolled at a school in the State of South Carolina.

(B) A teacher may bring a civil action against a student who commits a criminal offense against the teacher if the offense occurs on school grounds or at a school sponsored event. Nothing in this subsection is intended to limit the civil remedies available to another party as a result of the same criminal act.

(C) Except as otherwise provided in this subsection, no teacher has civil liability to a student or a party acting in the interest of a student for an act or omission by the teacher that occurs while the teacher is acting on behalf of the school if the:

(1) teacher was acting within the scope of the teacher’s employment;

(2) actions of the teacher violated no state, local, or federal law including regulations set forth by the individual district or school;

(3) acts or omissions were not the result of wilful or intentional conduct or gross negligence;

(4) acts or omissions were not the result of the teacher operating a motor vehicle or watercraft; and

(5) actions of the teacher do not constitute a violation of the student’s civil rights.”

SECTION 3. Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59‑25‑900. A person affiliated with the school in an official capacity including, but not limited to, administrators, teachers, faculty, substitute teachers, teachers’ assistants, student teachers, custodial staff, food service staff, volunteers, law enforcement officers, school bus drivers, school crossing guards, or other regularly assigned school‑contracted persons who is:

(1) the victim of a violation of Section 16‑3‑600 for which a student was convicted, adjudicated delinquent, or plead guilty or nolo contendere; and

(2) injured as a result of the violation of Section 16‑3‑600 to the extent that his injury prevents him from returning to his former position within the school district, must be allowed to continue to participate in all retirement, insurance, and deferred compensation programs he was enrolled in at the time of the injury. The district shall continue to make the employer contributions on behalf of the injured employee.”

SECTION 4. Section 16‑3‑1535 of the 1976 Code, as last amended by Act 106 of 2005, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) At each proceeding, the summary court judge must inquire if the victim has been notified of the proceeding, if the victim is present at the proceeding, and if the victim desires to be heard at the proceeding.”

SECTION 5. Section 16‑3‑1545 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) At each proceeding, the family court judge must inquire if the victim has been notified of the proceeding, if the victim is present at the proceeding, and if the victim desires to be heard at the proceeding.”

SECTION 6. Section 16‑3‑1550 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) At each proceeding, the circuit court judge must inquire if the victim has been notified of the proceeding, if the victim is present at the proceeding, and if the victim desires to be heard at the proceeding.”

SECTION 7. This act takes effect upon approval by the Governor.

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