~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 7, 2012

**S. 299**

Introduced by Senators Fair, Hutto, Jackson, Ryberg, Knotts, Rankin and Ford

S. Printed 3/7/12--S.

Read the first time January 11, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 299) to amend Section 19‑1‑180, as amended, Code of Laws of South Carolina, 1976, relating to the admissibility of out‑of‑court statements made by children, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LARRY A. MARTIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Judicial Department and the Department of Social Services indicate that this bill will have no fiscal impact on the General Fund of the State, or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 19‑1‑180, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIBILITY OF OUT‑OF‑COURT STATEMENTS MADE BY CHILDREN UNDER CERTAIN CIRCUMSTANCES, SO AS TO ALLOW THE ADMISSIBILITY OF HEARSAY STATEMENTS MADE TO FORENSIC INTERVIEWERS.

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

SECTION 1. Section 19‑1‑180(G) of the 1976 Code, as last amended by Act 481 of 1992, is further amended to read:

“(G) If the parents of the child are separated or divorced, the hearsay statement ~~shall be~~ is inadmissible if:

(1) one of the parents is the alleged perpetrator of the alleged abuse or neglect; and

(2) the allegation was made after the parties separated or divorced.

Notwithstanding this subsection, a statement alleging abuse or neglect made by a child to a law enforcement official, an officer of the court, a forensic interviewer, a licensed family counselor or therapist, a physician or other health care provider, a teacher, a school counselor, a Department of Social Services staff member, or to a child care worker in a regulated child care facility is admissible ~~under~~ pursuant to this section.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑