~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 15, 2014

**S. 843**

Introduced by Senator Cleary

S. Printed 4/15/14--S.

Read the first time January 14, 2014.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 843) to amend Section 59‑63‑130, Code of Laws of South Carolina, 1976, relating to the prohibition of student harassment, intimidation, or bullying in public schools, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, Section 59‑63‑130(C), as contained in SECTION 1, by deleting the subsection in its entirety and inserting:

/ (C) A school employee or volunteer may intervene on behalf of a student being subjected to harassment, intimidation, or bullying, including intervening in a physical altercation, but only to the extent reasonable and necessary, to prevent or ease the harassment, intimidation, or bullying. /

Amend the bill further, Section 59‑63‑150(A), as contained in SECTION 2, page 2, lines 12‑13, by striking / ~~This section does not create or alter tort liability.~~ /.

Amend the bill further, Section 59‑63‑150(C), as contained in SECTION 2, by deleting the subsection in its entirety and inserting:

/ (C)(1) A school employee or volunteer who reasonably and necessarily intervenes on behalf of a student being subjected to harassment, intimidation, or bullying, including a physical altercation, related to the harassment, intimidation, or bullying, may not be subject to criminal prosecution or liable for any civil damages except for acts amounting to grossly negligent, wilful, or wanton misconduct.

(2) The employer of a person who reasonably and necessarily intervenes on behalf of a student being subjected to harassment, intimidation, or bullying, including a physical altercation, related to the harassment, intimidation, or bullying, may not restrict, transfer, suspend, terminate, or otherwise hinder the employment of the individual because of this intervention.” /

Renumber sections to conform.

Amend title to conform.

JOHN E. COURSON for Committee.

**A** **BILL**

TO AMEND SECTION 59‑63‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION OF student HARASSMENT, INTIMIDATION, OR BULLYING in public schools, SO AS TO PROVIDE A SCHOOL EMPLOYEE OR VOLUNTEER MAY gratuitously INTERVENE ON BEHALF OF A STUDENT subjected to HARASSMENT, INTIMIDATION, OR BULLYING; AND TO AMEND SECTION 59‑63‑150, relating to certain legal immunities for a school employee or volunteer who reports an incident of student harassment, intimidation, OR bullying in compliance with district policy, so as to provide immunity from criminal or civil liability for a school employee or volunteer who in good faith gratuitously intervenes on behalf of a student subjected to harassment, intimidation, or bullying.

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

SECTION 1. Section 59‑63‑130 of the 1976 Code, as added by Act 353 of 2006, is amended to read:

“Section 59‑63‑130. (A) A person may not engage in:

(1) harassment, intimidation, or bullying; or

(2) reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(B) A school employee, student, or volunteer who witnesses, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official.

(C) A school employee or volunteer may gratuitously intervene on behalf of a student being subject to harassment, intimidation, or bullying.”

SECTION 2. Section 59‑63‑150 of the 1976 Code, as added by Act 353 of 2006, is amended to read:

“Section 59‑63‑150. (A) This article must not be interpreted to prevent a victim from seeking redress pursuant to another available civil or criminal law. This section does not create or alter tort liability.

(B) A school employee or volunteer who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the local school district’s policy, and who makes this report in compliance with the procedures in the district’s policy, is immune from a cause of action for damages arising from failure to remedy the reported incident.

(C)(1) A school employee or volunteer who in good faith gratuitously intervenes on behalf of a student being subjected to harassment, intimidation, or bullying may not be subject to criminal prosecution or liable for any civil damages except for acts amounting to wilful or wanton misconduct.

(2) The employer of a person who in good faith gratuitously intervenes on behalf of a student being subjected to harassment, intimidation, or bullying may not restrict, transfer, suspend, terminate, or otherwise hinder the employment of the individual because of this intervention.”

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

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