**South Carolina General Assembly**

121st Session, 2015-2016

**S. 138**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cleary

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Introduced in the Senate on January 13, 2015

Currently residing in the Senate Committee on **Education**

Summary: Bullying

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2014 Senate Prefiled

12/3/2014 Senate Referred to Committee on **Education**

1/13/2015 Senate Introduced and read first time

1/13/2015 Senate Referred to Committee on **Education**

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**VERSIONS OF THIS BILL**

[12/3/2014](file:///p:\pprever\2015-16\138_20141203.docx)

**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 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.”

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 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.”

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

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