**South Carolina General Assembly**

121st Session, 2015-2016

**A234, R271, H4878**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Tallon, Allison, Bales, Anthony, Burns, Kennedy, Quinn, Chumley, Clary, Gagnon, Hixon and Loftis

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Introduced in the House on February 10, 2016

Introduced in the Senate on March 17, 2016

Last Amended on May 31, 2016

Passed by the General Assembly on June 2, 2016

Governor's Action: June 3, 2016, Signed

Summary: Confidential communication

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/10/2016 House Introduced and read first time ([House Journal‑page 46](file:///h:\HJ%20Archive\2016\02-10-16.docx))

2/10/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 46](file:///h:\HJ%20Archive\2016\02-10-16.docx))

3/10/2016 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 31](file:///h:\HJ%20Archive\2016\03-10-16.docx))

3/16/2016 House Amended ([House Journal‑page 65](file:///h:\HJ%20Archive\2016\03-16-16.docx))

3/16/2016 House Read second time ([House Journal‑page 65](file:///h:\HJ%20Archive\2016\03-16-16.docx))

3/16/2016 House Roll call Yeas‑84 Nays‑0 ([House Journal‑page 66](file:///h:\HJ%20Archive\2016\03-16-16.docx))

3/17/2016 House Read third time and sent to Senate ([House Journal‑page 18](file:///h:\HJ%20Archive\2016\03-17-16.docx))

3/17/2016 Senate Introduced and read first time ([Senate Journal‑page 15](file:///h:\SJ%20Archive\2016\03-17-16.docx))

3/17/2016 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 15](file:///h:\SJ%20Archive\2016\03-17-16.docx))

5/5/2016 Senate Referred to Subcommittee: Hembree (ch), Corbin, McElveen

5/18/2016 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 18](file:///h:\SJ%20Archive\2016\05-18-16.docx))

5/31/2016 Senate Amended ([Senate Journal‑page 37](file:///h:\SJ%20Archive\2016\05-31-16.docx))

5/31/2016 Senate Read second time ([Senate Journal‑page 37](file:///h:\SJ%20Archive\2016\05-31-16.docx))

5/31/2016 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 37](file:///h:\SJ%20Archive\2016\05-31-16.docx))

6/1/2016 Scrivener's error corrected

6/1/2016 Senate Read third time and returned to House with amendments ([Senate Journal‑page 36](file:///h:\SJ%20Archive\2016\06-01-16.docx))

6/2/2016 House Concurred in Senate amendment and enrolled ([House Journal‑page 19](file:///h:\HJ%20Archive\2016\06-02-16.docx))

6/2/2016 House Roll call Yeas‑100 Nays‑0 ([House Journal‑page 19](file:///h:\HJ%20Archive\2016\06-02-16.docx))

6/2/2016 Ratified R 271

6/3/2016 Signed By Governor

6/9/2016 Effective date 06/03/16

6/9/2016 Act No. 234

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**VERSIONS OF THIS BILL**

[2/10/2016](file:///p:\pprever\2015-16\4878_20160210.docx)

[3/10/2016](file:///p:\pprever\2015-16\4878_20160310.docx)

[3/16/2016](file:///p:\pprever\2015-16\4878_20160316.docx)

[5/18/2016](file:///p:\pprever\2015-16\4878_20160518.docx)

[5/31/2016](file:///p:\pprever\2015-16\4878_20160531.docx)

[6/1/2016](file:///p:\pprever\2015-16\4878_20160601.docx)

(A234, R271, H4878)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑85 SO AS TO PROVIDE THAT COMMUNICATIONS BETWEEN A PUBLIC SAFETY EMPLOYEE OR THE EMPLOYEE’S IMMEDIATE FAMILY AND CERTAIN CRITICAL INCIDENT SUPPORT SERVICE PROVIDERS SHALL BE CONFIDENTIAL AND PRIVILEGED UNDER CERTAIN CIRCUMSTANCES.**

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

**Confidential communications**

SECTION 1. Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑85. (A) As used in this section:

(1) ‘Client’ means a public safety employee or a public safety employee’s immediate family.

(2) ‘Immediate family’ means the spouse, child, stepchild, parent, or stepparent.

(3) ‘Peer‑support team’ means any critical incident support service provider who has received training to provide emotional and moral support to a client involved in a critical incident, including, but not limited to, chaplains, mental health professionals, and public safety peers.

(B) Notwithstanding any other provision of law, except as provided in subsection (C), communications between a client and any member of a peer‑support team, including other clients involved in the same peer‑support process, shall be confidential and privileged as provided by Section 19‑11‑95(B).

(C) The confidentiality and privilege created by subsection (B) shall not apply when:

(1) the disclosure is authorized by the client making the disclosure, or, if the client is deceased, the disclosure is authorized by the client’s executor, administrator, or in the case of unadministrated estates, the client’s next of kin. This provision only applies to statements made by the client;

(2) the peer‑support team member was an initial responding officer, witness, or party to the critical incident;

(3) the communication was made when the member of the peer‑support team was not performing official duties in the peer‑support process; or

(4) the disclosure evidences a present threat to the client or to any other individual, or the disclosure constitutes an admission of a violation of state or federal law.

(D) Notwithstanding any other provision of law, this section does not require the disclosure of any otherwise privileged communications and does not relieve any mandatory reporting requirements.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 2nd day of June, 2016.

Approved the 3rd day of June, 2016.

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