**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3643**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Tallon, Long, Johnson, Hardee, Bryant, Collins, Burns, Morgan, Fry, Ligon, W. Newton, Bailey, Bannister, Blackwell, Caskey, Chumley, B. Cox, Elliott, Finlay, Forrest, Hewitt, Hyde, Magnuson, Martin, McCoy, McGinnis, D.C. Moss, Murphy, B. Newton, Pope, Thayer, Young and R. Williams

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Introduced in the House on January 16, 2019

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

Summary: Tort Claims Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/16/2019 House Introduced and read first time ([House Journal‑page 33](file:///h:\hj\20190116.docx))

1/16/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 33](file:///h:\hj\20190116.docx))

1/29/2019 House Member(s) request name added as sponsor: R.Williams

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**VERSIONS OF THIS BILL**

[1/16/2019](file:///p:\pprever\2019-20\3643_20190116.docx)

**A** **BILL**

TO AMEND SECTION 15‑78‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXCEPTIONS TO WAIVER OF IMMUNITY REGARDING THE TORT CLAIMS ACT, SO AS TO INCLUDE COUNSEL OR ADVISORY OPINIONS OF CIRCUIT SOLICITORS OR AUTHORIZED PROSECUTORS IN THE PURVIEW OF THE STATUTE; AND TO AMEND SECTION 15‑78‑70, RELATING TO LIABILITY FOR ACTS OF GOVERNMENT EMPLOYEES UNDER THE TORT CLAIMS ACT, SO AS TO FURTHER PROVIDE IMMUNITY FOR CIRCUIT SOLICITORS OR AUTHORIZED PROSECUTORS FOR ANY COUNSEL OR ADVISORY OPINIONS REQUESTED BY OR PROVIDED TO LAW ENFORCEMENT UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 15‑78‑60 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) counsel or advisory opinion of a circuit solicitor or authorized prosecutor of a circuit solicitor when the counsel or advisory opinion is requested by and provided to a law enforcement officer, as defined in Section 23‑23‑10(E)(1), regarding and prior to the issuance of a warrant against or arrest of a person.”

SECTION 2. Section 15‑78‑70 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) For purposes of this chapter, any counsel or advisory opinion of a circuit solicitor or authorized prosecutor of a circuit solicitor requested by and provided to a law enforcement officer, as defined in Section 23‑23‑10(E)(1), regarding and prior to the issuance of a warrant against or arrest of a person is conduct within the scope of the official duties of the circuit solicitor or authorized prosecutor of a circuit solicitor, who is absolutely immune from suit for any tort claim arising out of such conduct. The provisions of this section shall not be construed to limit, modify, or reduce the protections, immunities from suit, or exemptions from liability of a circuit solicitor or authorized prosecutor of a circuit solicitor.”

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

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