**South Carolina General Assembly**

125th Session, 2023-2024

**S. 396**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Scott

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Introduced in the Senate on January 17, 2023

Currently residing in the Senate

Summary: Human Affairs Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/17/2023 Senate Introduced and read first time ([Senate Journal‑page 6](h:\sj\20230117.docx))

1/17/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](h:\sj\20230117.docx))

2/10/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[02/10/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/396_20230210.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1‑13‑40, RELATING TO CREATION OF SOUTH CAROLINA COMMISSION ON HUMAN AFFAIRS, SO AS TO DELETE CERTAIN REQUIREMENTS; BY AMENDING SECTION 1‑13‑90, RELATING TO COMPLAINTS, INVESTIGATIONS, HEARINGS, AND ORDERS, SO AS TO PROVIDE REMEDIES ANALOGOUS WITH FEDERAL LAW AND AS ARE NECESSARY AND PROPER TO PROMOTE THE PUBLIC INTEREST AND ELIMINATE DISCRIMINATION; BY AMENDING SECTION 1‑13‑90, RELATING TO COMPLAINTS, INVESTIGATIONS, HEARINGS, AND ORDERS, SO AS TO AMEND THE STATUTE OF LIMITATIONS FOR AN ACTION IN CIRCUIT COURT UNDER THIS SECTION; BY AMENDING SECTION 31‑21‑120, RELATING TO COMPLAINTS, PROCESS, AND HANDLING, SO AS TO DELETE CERTAIN REQUIREMENTS; AND BY AMENDING SECTION 31‑21‑140, RELATING TO CIVIL ACTION; DAMAGES, SO AS TO CLARIFY THE STATUTE OF LIMITATIONS FOR A CIVIL ACTION BY AN INDIVIDUAL.

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

SECTION 1. Section 1‑13‑40(j) of the S.C. Code is amended to read:

(j) The Commission shall render each year to the Governor and to the General Assembly a written report of its activities and of its recommendations.

SECTION 2. A. Section 1‑13‑90(c)(16) of the S.C. Code is amended to read:

(16) If upon all the evidence at the hearing the panel shall find that the respondent has engaged in any unlawful discriminatory practice, it shall state its findings of fact and serve upon the respondent in the name of the commission an opinion and order requiring that such unlawful discriminatory practice be discontinued and requiring such other action including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay to the persons aggrieved by such practice as, in the judgment of the panel, will effectuate the purposes of this chapter. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. The Commission may retain jurisdiction of any such case until it is satisfied of compliance by the respondent with its order appropriate action and relief to the persons aggrieved, pursuant to substantively analogous federal laws, including Title VII of the Civil Rights Act of 1964, as amended, Americans with Disabilities Act of 1990, as amended, and the Age Discrimination in Employment Act of 1967, as amended. Further, the panel may award such other remedies as are necessary and proper to promote the public interest and eliminate the discrimination set forth in the order or proven at the hearing including, but not limited to, civil penalties, in an amount deemed appropriate by the panel, and costs for the commission in bringing the action. A copy of the order must be delivered to the respondent, the complainant, and to such public officers and persons as the commission deems proper.

B. Section 1‑13‑90(d)(6) of the S.C. Code is amended to read:

(6) If a charge filed with the commission by a complainant pursuant to this chapter is dismissed by the commission, or if within one hundred eighty days from the filing of the charge the commission has not filed an action under this chapter or entered into a conciliation agreement to which the complainant is a party, the complainant may bring an action in equity against the respondent in circuit court. The action must be brought within one year from the date of the violation alleged, or within one hundred twenty days from the date the complainant’s charge is dismissed, whichever occurs earlier later, except that this period may be extended by written consent of the respondent.

SECTION 3. Section 31‑21‑120(B) of the S.C. Code is amended to read:

(B) A complaint under subsection (A) must be filed within one hundred eighty days after the alleged discriminatory housing practice occurred. The complaint must be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A complaint may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him, not later than ten days after receipt of notice, and may be amended reasonably and fairly by the respondent at any time. Both complaint and answer must be verified.

SECTION 4. Section 31‑21‑140(A) of the S.C. Code is amended to read:

(A) A civil action must be commenced by an individual within one year after the alleged discriminatory housing practice has occurred. However This limitation does not apply to matters filed by the commission pursuant to Section 31‑21‑130(C). Additionally, the court shall continue a civil case brought pursuant to this section from time to time before bringing it to trial if the court believes that the conciliation efforts of the commission or local agency are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the commission or to the local agency and which practice forms the basis for the action in court. Any sale, encumbrance, or rental consummated before the issuance of any court order issued under the authority of this chapter and involving a bona fide purchaser, encumbrances, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter are not affected. A civil action may be commenced by an aggrieved person whether or not a complaint has been filed with the commission.

SECTION 5. This act takes effect upon approval by the Governor.

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