**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15‑75‑30 SO AS TO CREATE A CIVIL CAUSE OF ACTION FOR ALIENATION OF AFFECTION.

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

SECTION 1. Chapter 75, Title 15 of the 1976 Code is amended by adding:

“Section 15‑75‑30. (A) There is created a civil cause of action for alienation of affection. A person seeking to recover damages for alienation of affection must allege and prove:

(1) he or she is married to the person involved with the defendant;

(2) wrongful conduct occurred between the defendant and the plaintiff’s spouse during the marriage;

(3) he or she suffered loss of affection or consortium of their spouse; and

(4) a causal connection exists between the defendant’s conduct and the plaintiff’s loss.

(B) An action for alienation of affection must be commenced within three years of the date of accrual of the cause of action, which occurs when the plaintiff has actual or constructive knowledge of conduct giving rise to alienation of affection. However, a civil cause of action for alienation of affection must not be maintained by a person who has entered into an agreement for separate maintenance containing an express waiver of this right.”

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

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