**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15‑78‑35 SO AS TO PROVIDE THAT IN ANY CIVIL CONSPIRACY LAWSUIT BROUGHT UPON A STATE EMPLOYEE UNDER CERTAIN CIRCUMSTANCES, IF THE COURT FINDS THAT THE EMPLOYEE WAS ACTING WITHIN THE SCOPE OF THE EMPLOYEE’S OFFICIAL DUTIES, THE GOVERNMENTAL ENTITY AND THE EMPLOYEE ARE IMMUNE FROM SUIT, LIABILITY, AND DAMAGES FROM THE CIVIL CONSPIRACY CLAIM.

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

SECTION 1. Chapter 78, Title 15 of the 1976 Code is amended by adding:

“Section 15‑78‑35. If an employee of a governmental entity is sued for civil conspiracy based in part upon either a personnel or employment action or decision regarding another employee of a governmental entity, the court must, prior to trial, make a determination whether the action or decision giving rise to the suit was made by the employee within the scope of official duty. If the court finds that the employee was acting within the scope of the employee’s official duties, the governmental entity and the employee of the governmental entity are immune from suit, liability, and damages from the civil conspiracy claim. The immunity granted by this section does not limit a claim available at law, other than civil conspiracy, which challenges personnel or employment action of a governmental entity.”

SECTION 2. This act takes effect upon approval by the Governor and applies to a claim that arises or accrues after that date.

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