COMMITTEE REPORT

March 1, 2018

**S. 949**

Introduced by Senators M.B. Matthews, Malloy, Rice, Cash and Massey

S. Printed 3/1/18--S.

Read the first time January 31, 2018.

**THE COMMITTEE ON CORRECTIONS AND PENOLOGY**

To whom was referred a Bill (S. 949) to amend Article 5, Chapter 21, Title 24 of the 1976 Code, relating to probation, by adding Section 24-21-435, to provide that probation officers, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Article 5, Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Section 24-21-435. (A) Probation officers, court personnel, county and municipal personnel, public officials, charitable organizations, and private volunteers that allow those who are on probation to participate in community service programs pursuant to Section 24-21-430 are not liable for civil damages, unless an injury or damages result from the gross negligence, recklessness, or intentional misconduct of such person or organization.

(B) Nothing in this section shall be construed as granting immunity to a driver transporting a probationer to community service or a motorist who, by his negligence, injures a probationer on community service.

(C) Nothing in this section shall be construed as granting a probationer who is voluntarily completing community service as a condition of probation pursuant to Section 24-21-430 any claim under workers’ compensation.”

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

Renumber sections to conform.

Amend title to conform.

SHANE R. MARTIN for Committee.

**A** **BILL**

TO AMEND ARTICLE 5, CHAPTER 21, TITLE 24 OF THE 1976 CODE, RELATING TO PROBATION, BY ADDING SECTION 24-21-435, TO PROVIDE THAT PROBATION OFFICERS, COURT PERSONNEL, COUNTY AND MUNICIPAL PERSONNEL, PUBLIC OFFICIALS, AND PRIVATE VOLUNTEERS WHO PARTICIPATE IN COMMUNITY SERVICE PROGRAMS IN WHICH A PROBATIONER IS COMPLETING COMMUNITY SERVICE AS A CONDITION OF PROBATION PURSUANT TO SECTION 24-21-430 ARE NOT LIABLE FOR CIVIL DAMAGES UNLESS AN INJURY OR DAMAGES RESULT FROM THE GROSS NEGLIGENCE, RECKLESSNESS, OR INTENTIONAL MISCONDUCT OF SUCH PERSON.

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

SECTION 1. Article 5, Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Section 24-21-435. (A) Probation officers, court personnel, county and municipal personnel, public officials, and private volunteers who participate in community service programs in which a probationer is completing community service as a condition of probation pursuant to Section 24-21-430 are not liable for civil damages, unless an injury or damages result from the gross negligence, recklessness, or intentional misconduct of such person.

(B) Nothing in this section shall be construed as granting immunity to a driver transporting a probationer to community service or a motorist who, by his negligence, injures a probationer on community service.”

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

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