**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 1008**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Malloy

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Companion/Similar bill(s): 4689

Introduced in the Senate on January 15, 2020

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

Summary: Sexual abuse or incest

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/15/2020 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\sj\20200115.docx))

1/15/2020 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](file:///h:\sj\20200115.docx))

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**VERSIONS OF THIS BILL**

[1/15/2020](file:///p:\pprever\2019-20\1008_20200115.docx)

**A** **BILL**

TO AMEND SECTION 15‑3‑555, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTE OF LIMITATIONS FOR AN ACTION TO RECOVER DAMAGES FOR AN INJURY ARISING OUT OF AN ACT OF SEXUAL ASSAULT, SEXUAL ABUSE, OR INCEST, SO AS TO RAISE THE AGE AND INCREASE THE TIME PERIOD DURING WHICH A PERSON MUST COMMENCE AN ACTION; TO PROVIDE THAT THE STATUTE OF LIMITATIONS IN THIS SECTION SHALL CONTROL IF THERE IS A CONFLICT BETWEEN THE STATUTE OF LIMITATIONS AND ANY OTHER STATUTE OF LIMITATIONS WHEN THE ACTION INVOLVES THE RECOVERY OF DAMAGES FOR AN INJURY ARISING OUT OF AN ACT OF SEXUAL ASSAULT, SEXUAL ABUSE, OR INCEST; AND TO PROVIDE THAT AN ACTION THAT WOULD OTHERWISE BE TIME-BARRED BEFORE THE EFFECTIVE DATE OF THIS ACT, MAY BE COMMENCED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT; AND TO AMEND SECTION 15-78-110, SO AS TO PROVIDE FOR AN EXCEPTION TO THE TWO-YEAR STATUTE OF LIMITATIONS FOR ACTIONS RELATING TO TORT CLAIMS AGAINST THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

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

SECTION 1. Section 15-3-555 of the 1976 Code is amended to read:

“Section 15-3-555. (A) An action to recover damages for injury to a person arising out of an act of sexual assault, sexual abuse, or incest must be commenced ~~within six years after~~ before the person becomes ~~twenty-one~~ fifty-five years of age or within ~~three~~ five years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual assault, sexual abuse, or incest, whichever occurs later.

(B) Parental immunity is not a defense against claims based on sexual assault, sexual abuse, or incest that occurred before, on, or after this section's effective date.

(C) The statute of limitations in subsection (A) shall control if in conflict with any other statute of limitations when the action involves the recovery of damages for injury to a person arising out of an act of sexual assault, sexual abuse, or incest, including, but not limited to, claims against individuals; claims against private entities; claims against the State, an agency, political subdivision, or governmental entity of the State under Chapter 78, Title 15; claims against an alleged perpetrator’s employer; claims against not-for-profit corporations, or claims against religious institutions.

(D) Notwithstanding any other provision of law, any action to recover damages for injury to a person arising out of an act of sexual assault, sexual abuse, or incest, that has not been litigated to finality and that would otherwise be time-barred before the effective date of this section, may be commenced within one year of the effective date of this act.”

SECTION 2. Section 15-78-110 of the 1976 Code is amended to read:

“Section 15-78-110. Except as provided ~~for~~ in ~~Section~~ Sections 15-3-40 and 15-3-555, any action brought pursuant to this chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered; provided, that if the claimant first filed a claim pursuant to this chapter then the action for damages based upon the same occurrence is forever barred unless the action is commenced within three years of the date the loss was or should have been discovered.”

SECTION 3. This act takes effect upon approval by the Governor, except for Section 15-3-555(D), which takes effect six months after approval by the Governor.

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