**A** **BILL**

TO AMEND SECTION 15‑3‑555, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTE OF LIMITATIONS FOR CLAIMS BASED ON SEXUAL ABUSE OR INCEST, SO AS TO PROVIDE A LONGER STATUTE OF LIMITATIONS, AND TO PROVIDE THAT THE STATUTE OF LIMITATIONS IN THIS STATUTE CONTROLS OVER THE STATUTE OF LIMITATIONS IN THE TORT CLAIMS ACT AND IN CLAIMS ARISING AGAINST OTHER INDIVIDUALS, EMPLOYERS, AND COMMERCIAL BUSINESSES IN SEXUAL ASSAULT, SEXUAL ABUSE, OR INCEST CLAIMS; AND TO AMEND SECTION 15‑78‑110, RELATING TO THE STATUTE OF LIMITATIONS UNDER THE TORT CLAIMS ACT, SO AS TO EXCLUDE ACTIONS THAT FALL UNDER THE PROVISIONS OF SECTION 15‑3‑555.

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 the person becomes ~~twenty‑one~~ twenty‑nine 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 abuse or incest, whichever occurs later.

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

(C) The statute of limitations contained in subsection (A) shall control when 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 other individuals; 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; and claims against commercial businesses.”

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.

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