**A** **BILL**

TO AMEND SECTION 20‑3‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE PROHIBITION OF AN AWARD OF ALIMONY IN THE CASE OF ADULTERY COMMITTED BEFORE THE FORMAL SIGNING OF CERTAIN SETTLEMENT AGREEMENTS OR COURT ORDERS, SO AS TO ALLOW FOR THE AWARD OF ALIMONY IN THE DISCRETION OF THE COURT AFTER TAKING INTO CONSIDERATION THE CIRCUMSTANCES OF THE ADULTERY.

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

SECTION 1. Section 20‑3‑130(A) and (C)(10) of the 1976 Code is amended to read:

“(A) In proceedings for divorce from the bonds of matrimony, and in actions for separate maintenance and support, the court may grant alimony or separate maintenance and support in such amounts and for such term as the court considers appropriate as from the circumstances of the parties and the nature of case may be just, pendente lite, and permanently. ~~No alimony may be awarded a spouse who commits adultery before the earliest of these two events: (1) the formal signing of a written property or marital settlement agreement or (2) entry of a permanent order of separate maintenance and support or of a permanent order approving a property or marital settlement agreement between the parties.~~

(10) marital misconduct or fault of either or both parties, including, but not limited to, adultery, whether or not used as a basis for a divorce or separate maintenance decree if the misconduct affects or has affected the economic circumstances of the parties, or contributed to the breakup of the marriage, except that no evidence of personal conduct which may otherwise be relevant and material for the purpose of this subsection may be considered with regard to this subsection if the conduct took place subsequent to the happening of the earliest of (a) the formal signing of a written property or marital settlement agreement or (b) entry of a permanent order of separate maintenance and support or of a permanent order approving a property or marital settlement agreement between the parties;”

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

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