**South Carolina General Assembly**

124th Session, 2021-2022

**S. 75**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Malloy

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Introduced in the Senate on January 12, 2021

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

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 159](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 159](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\75_20201209.docx)

**A** **BILL**

TO AMEND SECTION 15‑3‑555 OF THE 1976 CODE, RELATING TO THE STATUTE OF LIMITATIONS FOR AN ACTION TO RECOVER DAMAGES FOR AN INJURY ARISING OUT OF AN ACT OF SEXUAL ABUSE OR INCEST, TO RAISE THE AGE LIMITATION AND INCREASE THE TIME PERIOD DURING WHICH A PERSON MAY COMMENCE AN ACTION, TO PROVIDE THAT THIS STATUTE OF LIMITATIONS SHALL CONTROL IF THERE IS A CONFLICT, AND TO PROVIDE THAT AN ACTION THAT WOULD OTHERWISE BE TIME-BARRED MAY BE COMMENCED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT; AND TO AMEND SECTION 15-78-110 OF THE 1976 CODE, RELATING TO THE STATUTE OF LIMITATIONS FOR THE SOUTH CAROLINA TORT CLAIMS ACT, TO PROVIDE 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. A. 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 if an 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, a political subdivision, or a 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.”

B. 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 pursuant to Section 15-3-555, as amended by this act, that has not been litigated to finality, and 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.”

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 1.B., which takes effect six months after approval by the Governor.

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