**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑17‑727 SO AS TO ENACT THE “CAUTION AGAINST RACIALLY EXPLOITATIVE NON‑EMERGENCIES (CAREN) ACT” BY PROVIDING A PERSON MAY BRING A CIVIL ACTION AGAINST AN INDIVIDUAL WHO USES A “911” CALL TO INTENTIONALLY INFLICT HARM UPON THE PERSON AND TO PROVIDE A PENALTY.

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

SECTION 1. This act may be cited as the ‘Caution Against Racially Exploitative Non‑Emergency (CAREN) Act’.

SECTION 2. Article 7, Chapter 17 of Title 16 is amended by adding:

“Section 16‑17‑727. (A) A person may bring a civil action against an individual who, motivated by the person’s race, religion, sex, or any other protected status, through the use of a ‘911’ call knowingly causes a law enforcement officer to arrive at a location to contact the person with the intent to:

(1) infringe upon the person’s rights under either the South Carolina Constitution, 1895, or the United States Constitution;

(2) unlawfully discriminate against the person;

(3) cause the person to feel harassed, humiliated, or embarrassed;

(4) cause the person to be expelled from a place in which the individual is lawfully located;

(5) damage the person’s reputation or standing within the community; or

(6) damage the person’s financial, economic, consumer, or business prospects or interests.

(B) A person who suffers harm as a result of a violation of this section may recover damages against the individual including, but not limited to, damages for infliction of emotional distress, damages caused by the law enforcement officers who respond to the call, and punitive damages against the person, or, an award of damages in an amount not exceeding ten thousand dollars, but not less than two hundred fifty dollars. The person also is entitled to reasonable attorney’s fees and costs in addition to any other recovery.”

SECTION 3. This act takes effect upon approval by the Governor.

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