**South Carolina General Assembly**

125th Session, 2023-2024

**S. 115**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hembree

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate

Summary: Property exempt from attachment, levy and sale

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/30/2022 Senate Prefiled

11/30/2022 Senate Referred to Committee on **Judiciary**

1/10/2023 Senate Introduced and read first time ([Senate Journal‑page 65](h:\sj\20230110.docx))

1/10/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 65](h:\sj\20230110.docx))

2/8/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/115_20221201.docx)

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/115_20230208.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 15‑41‑30, relating to PROPERTY EXEMPT FROM ATTACHMENT, LEVY, AND SALE, so as to INCREASE THE DOMICILE EXEMPTION FROM FIFTY THOUSAND TO ONE HUNDRED THOUSAND AND TO INCREASE THE AGGREGATE EXEMPTION FROM ONE HUNDRED THOUSAND TO ONE HUNDRED AND FIFTY THOUSAND DOLLARS.

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

SECTION 1. Section 15‑41‑30(A)(1) of the S.C. Code is amended to read:

Section 15‑41‑30. (A) The following real and personal property of a debtor domiciled in this State is exempt from attachment, levy, and sale under any mesne or final process issued by a court or bankruptcy proceeding:

(1)(a) The debtor's aggregate interest, not to exceed fifty one hundred thousand dollars in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor, except that the aggregate value of multiple homestead exemptions allowable with respect to a single living unit may not exceed one hundred and fifty thousand dollars. If there are multiple owners of such a living unit exempt as a homestead, the value of the exemption of each individual owner may not exceed his fractional portion of one hundred and fifty thousand dollars.

(b) In addition to the aggregate interest as provided in subsection (A)(1)(a), a surviving spouse may also exempt the aggregate interest to which the surviving spouse succeeded by inheritance, testamentary transfer, or nonprobate transfer on the death of the decedent spouse, not to exceed fifty one hundred thousand dollars. For purposes of this subsection, a surviving spouse means a spouse married to the decedent at the time of death, who is entitled to the homestead property tax exemption as provided in Section 12‑37‑250, who has not remarried, and who is living in the residence or cooperative that is used as a residence.

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

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