**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3305**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. W. Newton

Companion/Similar bill(s): 43

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Introduced in the House on January 14, 2025

Introduced in the Senate on March 26, 2025

Last Amended on March 25, 2025

Currently residing in the Senate

Summary: SC Public Expression Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/5/2024 House Prefiled

12/5/2024 House Referred to Committee on **Judiciary**

1/14/2025 House Introduced and read first time ([House Journal‑page 160](h:\hj\20250114.docx))

1/14/2025 House Referred to Committee on **Judiciary** ([House Journal‑page 160](h:\hj\20250114.docx))

3/20/2025 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 7](h:\hj\20250320.docx))

3/25/2025 House Amended ([House Journal‑page 52](h:\hj\20250325.docx))

3/25/2025 House Read second time ([House Journal‑page 52](h:\hj\20250325.docx))

3/25/2025 House Roll call Yeas-112 Nays-0 ([House Journal‑page 54](h:\hj\20250325.docx))

3/26/2025 House Read third time and sent to Senate ([House Journal‑page 15](h:\hj\20250326.docx))

3/26/2025 Senate Introduced and read first time ([Senate Journal‑page 8](h:\sj\20250326.docx))

3/26/2025 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 8](h:\sj\20250326.docx))

4/29/2025 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 15](h:\sj\20250429.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3305&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3305_20241205.docx)

[03/20/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3305_20250320.docx)

[03/25/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3305_20250325.docx)

[04/29/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3305_20250429.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

April 29, 2025

H. 3305

Introduced by Rep. W. Newton

S. Printed 4/29/25--S.

Read the first time March 26, 2025

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The committee on Senate Judiciary

To whom was referred a Bill (H. 3305) to amend the South Carolina Code of Laws by adding Article 7 to Chapter 3, Title 15 so as to establish the “South Carolina Public Expression Protection Act,” regarding, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, by striking Section 15-3-910(C) and inserting:

(C) This article does not apply to a cause of action asserted :

(1) against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity; or.

(2) by a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety.

Renumber sections to conform.

Amend title to conform.

LUKE RANKIN for Committee.

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 7 TO CHAPTER 3, TITLE 15 SO AS TO ESTABLISH THE “SOUTH CAROLINA PUBLIC EXPRESSION PROTECTION ACT,” REGARDING A CAUSE OF ACTION ASSERTED IN A CIVIL ACTION BASED UPON A PERSON’S COMMUNICATION IN CERTAIN CIRCUMSTANCES, AND TO ESTABLISH REQUIREMENTS FOR THESE PROCEEDINGS.

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

SECTION 1. Chapter 3, Title 15 of the S.C. Code is amended by adding:

Article 7

South Carolina Public Expression Protection Act

Section 15‑3‑900. This article may be cited as the “South Carolina Public Expression Protection Act.”

Section 15‑3‑910. (A) In this article:

(1) “Governmental unit” means a public corporation or government or governmental subdivision, agency, or instrumentality.

(2) “Person” means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity.

(B) Except as otherwise provided in subsection (C), this article applies to a cause of action asserted in a civil action against a person based on the person’s:

(1) communication in a legislative, executive, judicial, administrative, or other governmental proceeding;

(2) communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or

(3) exercise of the right of freedom of speech or of the press, the right to assemble or petition, or right of association, guaranteed by the United States Constitution or the South Carolina Constitution on a matter of public concern.

(C) This article does not apply to a cause of action asserted:

(1) against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity; or

(2) by a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety.

Section 15‑3‑920. Not later than sixty days after a party is served with a complaint, crossclaim, third‑party claim, or other pleading that asserts a cause of action to which this article applies, or at a later time on a showing of good cause, the party may file a special motion for expedited relief to dismiss the cause of action or part of the cause of action.

Section 15‑3‑930. (A) Except as otherwise provided in subsections (D) through (G), on the filing of a motion pursuant to Section 15‑3‑920:

(1) all other proceedings between the moving party and responding party, including discovery and a pending hearing or motion, are stayed; and

(2) on motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion pursuant to Section 15‑3‑920.

(B) A stay pursuant to subsection (A) remains in effect until entry of an order ruling on the motion pursuant to Section 15‑3‑920.

(C) Except as otherwise provided in subsections (E), (F), and (G), if a party appeals from an order ruling on a motion pursuant to Section 15-3-920, all proceedings between all parties in the action are stayed. The stay shall remain in effect until the conclusion of the appeal.

(D) During a stay pursuant to subsection (A), the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden pursuant to Section 15‑3‑960(A) and the information is not reasonably available unless discovery is allowed.

(E) A motion pursuant to Section 15‑3‑980 for costs, attorney’s fees, and expenses is not subject to a stay pursuant to this section.

(F) A stay pursuant to this section does not affect a party’s ability to voluntarily dismiss a cause of action or part of a cause of action or move to sever a cause of action.

(G) During a stay pursuant to this section, the court for good cause may hear and rule on:

(1) a motion unrelated to the motion pursuant to Section 15‑3‑920; and

(2) a motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

Section 15‑3‑940. (A) The court shall hear a motion pursuant to Section 15‑3‑920 not later than sixty days after filing of the motion, unless the court orders a later hearing:

(1) to allow discovery pursuant to Section 15‑3‑930(D); or

(2) for other good cause.

(B) If the court orders a later hearing pursuant to subsection (A)(1), the court shall hear the motion pursuant to Section 15‑3‑920 not later than sixty days after the court order allowing the discovery, unless the court orders a later hearing pursuant to subsection (A)(2).

Section 15‑3‑950. In ruling on a motion pursuant to Section 15‑3‑920, the court shall consider the pleadings, the motion, any reply or response to the motion, and any evidence that could be considered in ruling on a motion for summary judgment pursuant to Rule 56 of the South Carolina Rules of Civil Procedure.

Section 15‑3‑960. (A) In ruling on a motion pursuant to Section 15‑3‑920, the court shall dismiss with prejudice a cause of action or part of a cause of action, if:

(1) the moving party establishes pursuant to Section 15‑3‑910(B) that this article applies;

(2) the responding party fails to establish pursuant to Section 15‑3‑910(C) that this article does not apply; and

(3) the moving party establishes that:

(a) the responding party failed to state a cause of action upon which relief can be granted; or

(b) there is no genuine issue to any material fact and the moving party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

(B) A voluntary dismissal without prejudice of a responding party’s cause of action, or part of a cause of action, that is the subject of a motion pursuant to Section 15‑3‑920 does not affect a moving party’s right to obtain a ruling on the motion and seek costs, attorney’s fees, and expenses pursuant to Section 15‑3‑980.

(C) A voluntary dismissal with prejudice of a responding party’s cause of action, or part of a cause of action, that is the subject of a motion pursuant to Section 15‑3‑920 establishes for the purpose of Section 15-3-980 that the moving party prevailed on the motion.

Section 15‑3‑970. The court shall rule on a motion pursuant to Section 15‑3‑920 not later than thirty days after a hearing held pursuant to Section 15‑3‑940.

Section 15‑3‑980. On a motion pursuant to Section 15‑3‑920, the court shall award court costs, reasonable attorney’s fees, and reasonable litigation expenses related to the motion:

(1) to the moving party if the moving party prevails on the motion; or

(2) to the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.

Section 15‑3‑990. This article must be construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the United States Constitution or the South Carolina Constitution.

SECTION 2. Chapter 3, Title 15 of the S.C. Code is amended by adding:

Section 15-3-985. A moving party may appeal as a matter of right from an order denying, in whole or in part, a motion pursuant to Section 15-3-920. The appeal must be filed not later than thirty days after written notice of entry of the order.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect on June 1, 2025, and applies to civil actions filed or to a cause of action asserted in a civil action on or after June 1, 2025. This act does not affect a cause of action asserted in a civil action before June 1, 2025.

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