**South Carolina General Assembly**

120th Session, 2013-2014

**S. 838**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Shealy

Document Path: l:\s-res\ks\018alie.hm.ks.docx

Introduced in the Senate on January 14, 2014

Currently residing in the Senate Committee on **Judiciary**

Summary: Civil cause of action for alienation of affection

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2013 Senate Prefiled

12/10/2013 Senate Referred to Committee on **Judiciary**

1/14/2014 Senate Introduced and read first time ([Senate Journal‑page 41](file:///H:\SJ%20Archive\2014\01-14-14.docx))

1/14/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 41](file:///H:\SJ%20Archive\2014\01-14-14.docx))

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p:\pprever\2013-14\838_20131210.docx)

**A** **BILL**

TO AMEND CHAPTER 75, TITLE 15 OF THE 1976 CODE, RELATING TO SUITS INVOLVING MISCELLANEOUS ACTS OF WRONGFUL CONDUCT, BY ADDING SECTION 15‑75‑30 TO CREATE A CIVIL CAUSE OF ACTION FOR ALIENATION OF AFFECTION.

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

SECTION 1. Chapter 75, Title 15 of the 1976 Code is amended by adding:

“Section 15‑75‑30. (A) There is created a civil cause of action for alienation of affection. A person seeking to recover damages for alienation of affection must allege and prove:

(1) he or she is married to the person involved with the defendant;

(2) wrongful conduct occurred between the defendant and the plaintiff’s spouse during the marriage;

(3) he or she suffered loss of affection or consortium of their spouse; and

(4) a causal connection exists between the defendant’s conduct and the plaintiff’s loss.

(B) An action for alienation of affection must be commenced within three years of the date of accrual of the cause of action, which occurs when the plaintiff has actual or constructive knowledge of conduct giving rise to alienation of affection. However, a civil cause of action for alienation of affection must not be maintained by a person who has entered into an agreement for separate maintenance containing an express waiver of this right.”

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

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