**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3854**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Erickson, M.S. McLeod, Spires, Cobb‑Hunter, Long, Munnerlyn, Jefferson, H.A. Crawford, Robinson‑Simpson, Mitchell, King, Allison, Horne, Dillard, Felder, Henderson, Nanney, Powers Norrell and Wood

Document Path: l:\council\bills\nbd\11150vr13.docx

Companion/Similar bill(s): 443, 915, 4451

Introduced in the House on March 21, 2013

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

Summary: Admissibility of out-of-court statements by children

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/21/2013 House Introduced and read first time ([House Journal‑page 12](file:///h:\HJ%20Archive\2013\03-21-13.docx))

3/21/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 12](file:///h:\HJ%20Archive\2013\03-21-13.docx))

**VERSIONS OF THIS BILL**

[3/21/2013](file:///p:\pprever\2013-14\3854_20130321.docx)

**A** **BILL**

TO AMEND SECTION 19‑1‑180, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIBILITY OF OUT‑OF‑COURT STATEMENTS MADE BY CHILDREN UNDER CERTAIN CIRCUMSTANCES, SO AS TO ALLOW THE ADMISSIBILITY OF HEARSAY STATEMENTS MADE TO FORENSIC INTERVIEWERS; TO DEFINE FORENSIC INTERVIEWER; AND TO PROVIDE FOR TRAINING AND CONTINUING EDUCATION REQUIREMENTS FOR FORENSIC INTERVIEWERS.

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

SECTION 1. Section 19‑1‑180(G) of the 1976 Code, as last amended by Act 481 of 1992, is further amended to read:

“(G) If the parents of the child are separated or divorced, the hearsay statement ~~shall be~~ is inadmissible if:

(1) one of the parents is the alleged perpetrator of the alleged abuse or neglect; and

(2) the allegation was made after the parties separated or divorced.

Notwithstanding this subsection, a statement alleging abuse or neglect made by a child to a law enforcement official, an officer of the court, a forensic interviewer, a licensed family counselor or therapist, a physician or other health care provider, a teacher, a school counselor, a Department of Social Services staff member, or to a child care worker in a regulated child care facility is admissible ~~under~~ pursuant to this section. For purposes of this section, a ‘forensic interviewer’ is a person who:

(a) conducts an investigative interview to determine whether a child has been abused or neglected;

(b) has been initially trained in a state or nationally recognized forensic interview protocol and is able to document successful completion of that training; and

(c) has completed continuing education in the field of forensic interviewing or child maltreatment within five years of successful completion of initial training.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

‑‑‑‑XX‑‑‑‑