**South Carolina General Assembly**

120th Session, 2013-2014

**S. 843**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cleary

Document Path: l:\council\bills\agm\18022ab14.docx

Companion/Similar bill(s): 4564

Introduced in the Senate on January 14, 2014

Introduced in the House on April 29, 2014

Last Amended on April 16, 2014

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

Summary: Bullying

**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 **Education**

1/14/2014 Senate Introduced and read first time ([Senate Journal‑page 43](file:///H:\SJ%20Archive\2014\01-14-14.docx))

1/14/2014 Senate Referred to Committee on **Education** ([Senate Journal‑page 43](file:///H:\SJ%20Archive\2014\01-14-14.docx))

4/15/2014 Senate Committee report: Favorable with amendment **Education** ([Senate Journal‑page 23](file:///H:\SJ%20Archive\2014\04-15-14.docx))

4/16/2014 Senate Committee Amendment Adopted ([Senate Journal‑page 42](file:///H:\SJ%20Archive\2014\04-16-14.docx))

4/16/2014 Senate Read second time ([Senate Journal‑page 42](file:///H:\SJ%20Archive\2014\04-16-14.docx))

4/16/2014 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 42](file:///H:\SJ%20Archive\2014\04-16-14.docx))

4/29/2014 Senate Read third time and sent to House ([Senate Journal‑page 9](file:///H:\SJ%20Archive\2014\04-29-14.docx))

4/29/2014 House Introduced and read first time ([House Journal‑page 75](file:///H:\HJ%20Archive\2014\04-29-14.docx))

4/29/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 75](file:///H:\HJ%20Archive\2014\04-29-14.docx))

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p:\pprever\2013-14\843_20131210.docx)

[4/15/2014](file:///p:\pprever\2013-14\843_20140415.docx)

[4/16/2014](file:///p:\pprever\2013-14\843_20140416.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE AMENDMENT ADOPTED

April 16, 2014

**S. 843**

Introduced by Senator Cleary

S. Printed 4/16/14--S.

Read the first time January 14, 2014.

**A** **BILL**

TO AMEND SECTION 59‑63‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION OF student HARASSMENT, INTIMIDATION, OR BULLYING in public schools, SO AS TO PROVIDE A SCHOOL EMPLOYEE OR VOLUNTEER MAY gratuitously INTERVENE ON BEHALF OF A STUDENT subjected to HARASSMENT, INTIMIDATION, OR BULLYING; AND TO AMEND SECTION 59‑63‑150, relating to certain legal immunities for a school employee or volunteer who reports an incident of student harassment, intimidation, OR bullying in compliance with district policy, so as to provide immunity from criminal or civil liability for a school employee or volunteer who in good faith gratuitously intervenes on behalf of a student subjected to harassment, intimidation, or bullying.

Amend Title To Conform

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

SECTION 1. Section 59‑63‑130 of the 1976 Code, as added by Act 353 of 2006, is amended to read:

“Section 59‑63‑130. (A) A person may not engage in:

(1) harassment, intimidation, or bullying; or

(2) reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(B) A school employee, student, or volunteer who witnesses, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official.

(C) A school employee or volunteer may intervene on behalf of a student being subjected to harassment, intimidation, or bullying, including intervening in a physical altercation, but only to the extent reasonable and necessary, to prevent or ease the harassment, intimidation, or bullying.”

SECTION 2. Section 59‑63‑150 of the 1976 Code, as added by Act 353 of 2006, is amended to read:

“Section 59‑63‑150. (A) This article must not be interpreted to prevent a victim from seeking redress pursuant to another available civil or criminal law. ~~This section does not create or alter tort liability~~.

(B) A school employee or volunteer who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the local school district’s policy, and who makes this report in compliance with the procedures in the district’s policy, is immune from a cause of action for damages arising from failure to remedy the reported incident.

(C)(1) A school employee or volunteer who reasonably and necessarily intervenes on behalf of a student being subjected to harassment, intimidation, or bullying, including a physical altercation, related to the harassment, intimidation, or bullying, may not be subject to criminal prosecution or liable for any civil damages except for acts amounting to grossly negligent, wilful, or wanton misconduct.

(2) The employer of a person who reasonably and necessarily intervenes on behalf of a student being subjected to harassment, intimidation, or bullying, including a physical altercation, related to the harassment, intimidation, or bullying, may not restrict, transfer, suspend, terminate, or otherwise hinder the employment of the individual because of this intervention.”

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

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