COMMITTEE REPORT

April 24, 2013

**H. 3124**

Introduced by Reps. Bingham, Taylor, Long and M.S. McLeod

S. Printed 4/24/13--H.

Read the first time January 8, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3124) to amend the Code of Laws of South Carolina, 1976, by adding Section 63‑7‑315 so as to prohibit an employer from dismissing, demoting, suspending, etc., respectfully

**REPORT:**

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

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑7‑315 SO AS TO PROHIBIT AN EMPLOYER FROM DISMISSING, DEMOTING, SUSPENDING, OR DISCIPLINING AN EMPLOYEE WHO REPORTS CHILD ABUSE OR NEGLECT, WHETHER REQUIRED OR PERMITTED TO REPORT; AND TO CREATE A CAUSE OF ACTION FOR REINSTATEMENT AND BACK PAY WHICH AN EMPLOYEE MAY BRING AGAINST AN EMPLOYER WHO VIOLATES THIS PROHIBITION.

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

SECTION 1. Subarticle 1, Article 3, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63‑7‑315. (A) An employer must not dismiss, demote, suspend, or otherwise discipline or discriminate against an employee or prospective employee who is required or permitted to report child abuse or neglect pursuant to Section 63‑7‑310.

(B) An employee or prospective employee who is adversely affected by conduct that is in violation of subsection (A) may bring a civil action for reinstatement and back pay. An action brought pursuant to this subsection may be commenced against an employer, including the State, a political subdivision of the State, and an office, department, independent agency, authority, institution, association, or other body in state government. An action brought pursuant to this subsection must be commenced within three years after the cause of action arises.

(C) If judgment is rendered in favor of the plaintiff in an action brought pursuant to subsection (B), the court also shall award a reasonable attorney’s fee in favor of the plaintiff against the defendant.”

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

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