**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3389**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

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Prefiled in the House on December 5, 2024

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

Summary: Immunity from criminal prosecution

**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**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3389_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑11‑450, RELATING TO IMMUNITY UNDER THE PROTECTION OF PERSONS AND PROPERTY ACT, SO AS TO GRANT A PERSON THE RIGHT TO APPEAL A COURT FINDING THAT THE PERSON IS NOT ENTITLED TO IMMUNITY NOTWITHSTANDING A SUBSEQUENT GUILTY PLEA TO THE SAME UNDERLYING OFFENSE.

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

SECTION 1. Section 16‑11‑450 of the S.C. Code is amended by adding:

(D) A person has the right to appeal a court determination that the person is not entitled to immunity pursuant to the provisions of this article. A subsequent guilty plea to the same underlying offense does not bar judicial review of the initial immunity determination notwithstanding any other judicial rules of waiver applicable to guilty plea proceedings.

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founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action,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of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.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.

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