**A** **BILL**

TO AMEND CHAPTER 1, TITLE 8 OF THE 1976 CODE, RELATING TO PUBLIC OFFICERS AND EMPLOYEES, BY ADDING SECTION 8‑1‑195, TO PROVIDE THAT IN ANY CIVIL CONSPIRACY LAWSUIT BROUGHT UPON A STATE EMPLOYEE, IF THE COURT FINDS THAT THE EMPLOYEE WAS ACTING WITHIN THE SCOPE OF THE EMPLOYEE’S OFFICIAL DUTIES, THE EMPLOYEE IS IMMUNE FROM SUIT, LIABILITY, AND DAMAGES FROM THE CIVIL CONSPIRACY CLAIM.

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

SECTION 1. Chapter 1, Title 8 of the 1976 Code is amended by adding:

“Section 8‑1‑195. If an individual state employee or former state employee is sued for civil conspiracy based in part upon a personnel or employment action or decision regarding a state employee, the court must, prior to trial, make a final determination whether the action or decision giving rise to the suit was made by the employee within the scope of official duty. If the court finds that the employee was acting within the scope of the employee’s official duties, the employee is immune from suit, liability, and damages from the civil conspiracy claim. The court’s decision is immediately appealable by any party. The immunity granted by this section does not limit any claim available at law, other than civil conspiracy, which challenges personnel or employment action of a governmental entity.

When applicable, the terms used in this section shall have the same meaning as the terms defined in Section 15‑78‑30.”

SECTION 2. This act takes effect upon approval by the Governor and applies to any pending claim that has not reached a judgment in a trial court, as well as any claim filed after the effective date.

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