~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 4, 2019

**H. 3231**

Introduced by Reps. G.M. Smith, Norrell, Mace, Bernstein and Hixon

S. Printed 4/4/19--H.

Read the first time January 8, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3231) to amend Section 20‑3‑10, Code of Laws of South Carolina, 1976, relating to grounds for divorce, so as to add as a ground conduct, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Section 20‑3‑10 of the 1976 Code is amended to read:

“Section 20‑3‑10. No divorce from the bonds of matrimony shall be granted except upon one or more of the following grounds, to wit:

(1) adultery;

(2) desertion for a period of one year;

(3) physical cruelty; provided, that this ground shall be construed to include willful or other abhorrent conduct or treatment which destroys or tends to destroy the mental and physical wellbeing, happiness, and welfare of the other and renders continued cohabitation unsafe or intolerable;

(4) habitual drunkenness; provided, that this ground shall be construed to include habitual drunkenness caused by the use of any narcotic drug or illegal or illicit drugs; or

(5) on the application of either party if and when the husband and wife have lived separate and apart without cohabitation for a period of one year. A plea of res judicata or of recrimination with respect to any other provision of this section shall not be a bar to either party obtaining a divorce on this ground.” /

Renumber sections to conform.

Amend title to conform.

PETER M. MCCOY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 20‑3‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GROUNDS FOR DIVORCE, SO AS TO ADD AS A GROUND CONDUCT OR TREATMENT THAT DESTROYS THE WELL-BEING, HAPPINESS, AND WELFARE OF A SPOUSE AND RENDERS CONTINUED COHABITATION UNSAFE OR UNENDURABLE.

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

SECTION 1. Section 20‑3‑10 of the 1976 Code is amended to read:

“Section 20‑3‑10. No divorce from the bonds of matrimony shall be granted except upon one or more of the following grounds, to wit:

(1) adultery;

(2) desertion for a period of one year;

(3) physical cruelty;

(4) habitual drunkenness; provided, that this ground shall be construed to include habitual drunkenness caused by the use of any narcotic drug; ~~or~~

(5) conduct or treatment which destroys or tends to destroy the mental or physical well‑being, happiness, and welfare of the other and renders continued cohabitation unsafe or unendurable; or

(6) on the application of either party if and when the husband and wife have lived separate and apart without cohabitation for a period of one year. A plea of res judicata or of recrimination with respect to any other provision of this section shall not be a bar to either party obtaining a divorce on this ground.”

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

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