**South Carolina General Assembly**

126th Session, 2025-2026

**S. 316**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Elliott

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Introduced in the Senate on February 5, 2025

Introduced in the House on May 6, 2025

Last Amended on May 1, 2025

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

Summary: Civil Litigation Reform

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/5/2025 Senate Introduced and read first time ([Senate Journal‑page 44](h:\sj\20250205.docx))

2/5/2025 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 44](h:\sj\20250205.docx))

4/16/2025 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 20](h:\sj\20250416.docx))

4/22/2025 Scrivener's error corrected

5/1/2025 Senate Amended ([Senate Journal‑page 37](h:\sj\20250501.docx))

5/1/2025 Senate Read second time ([Senate Journal‑page 37](h:\sj\20250501.docx))

5/1/2025 Senate Roll call Ayes-39 Nays-0 ([Senate Journal‑page 37](h:\sj\20250501.docx))

5/6/2025 Senate Read third time and sent to House ([Senate Journal‑page 35](h:\sj\20250506.docx))

5/6/2025 House Introduced and read first time ([House Journal‑page 234](h:\hj\20250506.docx))

5/6/2025 House Referred to Committee on **Judiciary** ([House Journal‑page 234](h:\hj\20250506.docx))

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**VERSIONS OF THIS BILL**

[02/05/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/316_20250205.docx)

[04/16/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/316_20250416.docx)

[04/22/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/316_20250422.docx)

[05/01/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/316_20250501.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

May 1, 2025

S. 316

Introduced by Senator Elliott

S. Printed 5/1/25--S.

Read the first time February 5, 2025

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1‑7‑95 SO AS TO PROVIDE GUIDELINES AND PROTECTIONS FOR THE ATTORNEY GENERAL WHEN BRINGING AN ENFORCEMENT ACTION IN THE NAME OF THE STATE; BY ADDING SECTION 39‑5‑55 SO AS TO PROVIDE THE ATTORNEY GENERAL WITH THE REMEDY OF DISGORGEMENT; AND BY ADDING SECTION 39‑5‑85 SO AS TO PROVIDE PRIVILEGE TO MATERIALS PREPARED OR DRAFTED WHILE INVESTIGATING POTENTIAL VIOLATIONS OF THIS ARTICLE.

Amend Title To Conform

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

SECTION 1. Chapter 7, Title 1 of the S.C. Code is amended by adding:

Section 1‑7‑95. (A) Notwithstanding any other provision of law, when the Attorney General brings or defends an action in the name of the State of South Carolina pursuant to any power granted by common law, the Constitution of this State, or any provision of law, the Attorney General acts in the public interest of the State of South Carolina and not as the legal representative or attorney of any department or agency of state government, including the executive, legislative, and judicial branches or any of the boards connected therewith. Such departments, agencies, or boards are not parties to these actions, and the documents or electronically stored information of such departments, agencies, or boards are not in the possession, custody, or control of the Attorney General. However, when documents in the possession, custody, or control of any department, agency, or board of state government are requested in discovery in such an action, the Attorney General shall identify the department, agency, or board and their counsel and facilitate the production of such documents from the department, agency, or board of state government in response to a subpoena.

(B) This section does not affect the ability of the Attorney General to bring or defend an action in a proprietary capacity on behalf of and representing any such department, agency, or board.

SECTION 2. Chapter 5, Title 39 of the S.C. Code is amended by adding:

Section 39‑5‑55. The Attorney General may, in an action brought under this article, obtain the remedy of disgorgement.

SECTION 3. Chapter 5, Title 39 of the S.C. Code is amended by adding:

Section 39‑5‑85. Materials prepared or drafted by the Attorney General or his staff or shared with the Attorney General or his staff for law enforcement purposes in the public interest while the Attorney General or his staff are investigating potential violations of this article shall be considered privileged. This privilege survives the end of the investigation whether by litigation, settlement, or otherwise.

SECTION 4. This act takes effect upon approval by the Governor.

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