



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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|------------------------|-------------------------------------|---|
| Bill Number: | S. 0169 | Amended by Senate Judiciary on April 19, 2017 |
| Author: | Shealy | |
| Subject: | Teen Dating Violence Prevention Act | |
| Requestor: | Senate Judiciary | |
| RFA Analyst(s): | Gardner, Heineman, and Shuford | |
| Impact Date: | April 26, 2017 | |

Estimate of Fiscal Impact

| | FY 2017-18 | FY 2018-19 |
|----------------------------------|-------------------|-------------------|
| State Expenditure | | |
| General Fund | \$0 | \$0 |
| Other and Federal | \$0 | \$0 |
| Full-Time Equivalent Position(s) | 0.00 | 0.00 |
| State Revenue | | |
| General Fund | \$0 | \$0 |
| Other and Federal | \$0 | \$0 |
| Local Expenditure | \$0 | \$0 |
| Local Revenue | \$0 | \$0 |

Fiscal Impact Summary

The amended bill is not expected to impact state expenditures for the General Fund, Other Funds, or Federal Funds. The bill is also not expected to have an expenditure impact on local school districts or magistrate courts.

Explanation of Fiscal Impact

Amended by Senate Judiciary on April 19, 2017

State Expenditure

The amended bill requires actions for restraining orders to protect unemancipated minors under the age of eighteen from first or second degree harassment or stalking to be brought by the minor's parent, legal guardian, or legal custodian, unless the requirement is not in the best interest of the minor.

The bill also amends the Comprehensive Health Education Act (Section 59-32-10, *et seq.*) to require each local school board to include a teen dating violence component in the district's comprehensive health education program for students in grades nine through twelve. Local school boards adopt or develop the teen dating violence curriculum locally, but the State Board of Education is required to make available a list of instructional materials that meet state standards and, upon district request, relevant information from other states. A local 13-member advisory board is appointed by the local school board to assist it in selection of curriculum materials. As with other components of the comprehensive health education program, public school principals must develop a method to notify parents of the content of the instructional materials on teen dating violence and the parents' option to exempt their children from the

instruction. The state Board of Education is required to include a separate, age-appropriate component on teen dating violence in the state standards for health education when the state Board of Education conducts its next cyclical review of health education.

Department of Education. The amended bill's requirements to add a separate component on teen dating violence to the comprehensive health education curriculum is not expected to materially increase the administrative duties in developing and maintaining the current instructional unit on reproductive health, family life, pregnancy prevention, and sexually transmitted diseases. Therefore, this bill would not have an expenditure impact on the General Fund, Other Funds, or Federal Funds of the department.

State Revenue

N/A

Local Expenditure

This amended bill requires each local school board to implement instruction on teen dating violence as part of comprehensive health instruction. In grades nine through twelve, teen violence education is added to the required 750 minutes of comprehensive health education currently mandated at least one time during the four years. Public school principals must notify parents of students of the content of the instructional materials concerning teen dating violence as currently required for reproductive health, family life, pregnancy prevention, and sexually transmitted diseases education. Principals may exempt students from units on teen dating violence in the same manner as students are currently exempted from instruction about reproductive health, family life, pregnancy prevention, and sexually transmitted diseases. This bill's requirement to implement instruction on teen dating violence in grades nine through twelve will not materially increase the teaching duties for the current instructional unit on reproductive health, family life, pregnancy prevention, and sexually transmitted diseases. Therefore, this bill is not expected to have an expenditure impact on the local school districts.

The expenditure impact associated with any increase in magistrate court hearings on the issuance of restraining orders depends upon the number of such hearings. However, because the bill affects who may bring an action for a restraining order to protect a minor, the expenditure impact on local government for this part of the bill is not expected to be significant.

Local Revenue

N/A

Introduced on January 10, 2017

Updated for Additional Agency Response

State Expenditure

This bill creates the offense of teen dating violence for certain conduct between persons eighteen years of age or younger. A person commits the offense when the victim, a current or former partner in a dating relationship, has reasonable cause to believe that he or she is in imminent danger of becoming the subject of teen dating violence, as defined by the bill, or presents sufficient evidence that the person threatened, attempted, or actually physically abused the victim. The bill provides for penalties pursuant to Section 16-25-20(B) of the Criminal Domestic Violence Act and enables victims to seek orders of protection or restraining orders under certain

circumstances. Further, it prohibits violators of these provisions from participating in pretrial intervention programs. Penalties for conviction are in addition to penalties for any underlying offense and must be served consecutively to a sentence for an underlying offense. The bill also amends the Comprehensive Health Education Act to require the inclusion of teen dating violence education in the comprehensive health education curriculum.

In addition, the bill establishes a minimum mandatory sentence for the crime of sexual battery with a student. The minimum mandatory sentence is one year for a person affiliated with a public or private secondary school in an official capacity who is convicted of engaging in sexual battery with a sixteen or seventeen year old student without using aggravated coercion or aggravated force. The same mandatory minimum sentence is established for a person affiliated with public or private secondary school in an official capacity who has direct supervisory authority over a student who is eighteen years of age or older and is convicted of sexual battery of the student without using aggravated coercion or aggravated force. For the person with direct supervisory authority over an eighteen year old or older student, the maximum sentence is also increased from five to ten years. The maximum sentence for the person convicted of sexual battery of sixteen or seventeen year old student remains five years. The newly established minimum mandatory sentence for both offenses may not be suspended, and probation may not be granted. Further, the bill deletes a misdemeanor offense of sexual battery with a student who is eighteen years of age or older that carried a fine of not more than \$500, or imprisonment for 30 days, or both.

Commission on Indigent Defense. As there is no data on how many charges will be brought against indigent persons for the offense of teen dating violence, the commission cannot estimate the increase in cases by persons represented by public defenders. Therefore, the expenditure impact of the bill on the General Fund, Other Funds, and Federal Funds is undetermined.

Commission on Prosecution Coordination. As there is no data on how many charges will be brought by law enforcement for offenses of teen dating violence, the commission is unable to estimate the number of such cases that may be prosecuted. However, the commission expects solicitors to manage any increase in caseloads within current resources.

Judicial Department. The bill creates a new felony offense of teen dating violence and establishes a new statute allowing the dating victim to seek orders of protection in family court or restraining orders in magistrate court under certain circumstances. There is no data available to determine the additional number of hearings or trials that may be held in the courts as a result of the bill. However, if a substantial number of additional hearings or trials are held, it could result in a backlog for the circuit courts and family courts. The department expects to manage any expenditure impact resulting from the bill within current resources.

Department of Corrections. A 2013 national Youth Risk Survey conducted by the Centers for Disease Control and Prevention provides data on the prevalence of teen dating violence. A study of the results published in the May 2015 issue of *JAMA Pediatrics* found that among high school students, nearly 21% of female students and more than 10% of male students experienced some form of physical or sexual dating violence, or both, during the year before the survey. However, because this data does not correlate with the offense as established by this bill or the number of

convictions that may result, the expenditure impact on the General Fund, Federal Funds, and Other Funds is undetermined. Responses to an anonymous survey may not equate to reporting to law enforcement, the content of the survey questions and the bill's definition of teen dating violence may not be the same, and actual convictions, sentences, and time served are variable, among other things. The department does indicate that the bill could result in an increase in the prison population.

The department indicates that the agency has not received any offenders convicted for sexual battery with a student during FY 2013-14, FY 2014-15 and FY 2015-16. Therefore, the Revenue and Fiscal Affairs Office expects the expenditure impact associated with the change in sentencing for the crime to be minimal. According to the department, the variable cost of an additional inmate is \$2,474 a year.

Department of Education. This bill's requirement to add a separate component on teen dating violence to the comprehensive health education curriculum is not expected to materially increase the administrative duties in developing and maintaining the current instructional unit on reproductive health, family life, pregnancy prevention, and sexually transmitted diseases. Therefore, this bill would not have an expenditure impact on the General Fund, Federal Funds, or Other Funds of the department.

Department of Juvenile Justice. The department indicates there is no data to determine the number of youths who may be admitted to the department's facilities for teen dating violence, but the department expects to manage any increase in its daily population within current resources unless there is a noticeable increase in commitments.

State Revenue

N/A

Local Expenditure

This bill requires each local school board to implement instruction on teen dating violence as part of comprehensive health instruction in grades six through eight. In grades nine through twelve, teen violence education is added to the required 750 minutes of comprehensive health education currently mandated at least one time during the four years. Public school principals must notify parents of students of the content of the instructional materials concerning teen dating violence as currently required for reproductive health, family life, pregnancy prevention, and sexually transmitted diseases education. Principals may exempt students from units on teen dating violence in the same manner as students are currently exempted from instruction about reproductive health, family life, pregnancy prevention, and sexually transmitted diseases. This bill's requirement to implement instruction on teen dating violence in grades six through twelve will not materially increase the teaching duties for the current instructional unit on reproductive health, family life, pregnancy prevention, and sexually transmitted diseases. Therefore, this bill is not expected to have an expenditure impact on the local school districts.

The expenditure impact associated with any increase in magistrate court hearings on the issuance of restraining orders depends upon the number of such hearings. Because no data exists to estimate the number, the expenditure impact on local government for this part of the bill is undetermined.

Local Revenue

N/A



Frank A. Rainwater, Executive Director