



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	H. 3682	Amended by the House of Representatives on March 29, 2023
Author:	Murphy	
Subject:	Animal Cruelty	
Requestor:	Senate Agriculture and Natural Resources	
RFA Analyst(s):	Gardner	
Impact Date:	April 27, 2023	

Fiscal Impact Summary

This bill amends provisions related to animal cruelty cases and provides specific court procedures for ordering payment for costs for the care of the animal from the time of seizure until the case is disposed.

The bill will not impact expenditures for Judicial, the Commission on Indigent Defense, and the Commission on Prosecution Coordination as any increase in caseloads will be managed with existing staff and resources. This bill will also have no expenditure impact for the State Law Enforcement Division (SLED) as SLED will manage the responsibilities within the normal course of business.

The Revenue and Fiscal Affairs Office (RFA) surveyed all county governments and the Municipal Association of South Carolina and received one response. Dorchester County reports that it does not foresee any expenditure impact so long as the courts can assign financial responsibility of the care of a seized animal to an owner who is not indigent. However, if no owner is located, or if the owner is indigent, the county may have to surrender the animal to a county shelter and would thus incur costs associated with care and potential euthanasia of the animal.

Explanation of Fiscal Impact

Amended by the House of Representatives on March 29, 2023

State Expenditure

Currently, a custodian may petition the court to demand payment from a defendant who is convicted in an animal cruelty case for animal care expenses incurred during the time of litigation. If the defendant is not found guilty, the county or municipality in which the offense occurred must pay the reasonable expenses of the custodian. This bill enables a law enforcement officer or other entity awarded custody of an animal as part of an animal cruelty case to petition the court to require the owner of a seized animal to make scheduled payments to the court for costs associated with the animal's care during the time of litigation. The court must hold a hearing to determine whether the seized animal needs care during the pending litigation and to determine whether the seizure of the animal was authorized. If the court finds that the seizure was authorized, the owner will be ordered to make the required scheduled payments for care of

the animal. If the owner fails to make the required payments, he must forfeit the animal to the petitioning agency for disposition or transfer. If the court adjudicates the owner as not guilty of all charges, the owner will receive from the petitioning agency a refund of all costs paid for the care of the seized animal. The bill also removes the ability of a law enforcement officer who has seized an animal as part of an animal cruelty case to hold a lien on the animal for expenses associated with the animal's care.

Judicial. Judicial reports that implementation of the bill may result in a General Fund expenditure impact due to increased caseloads in magistrate courts. However, Judicial intends to manage any increase in costs using existing staff and appropriations.

Commission on Prosecution Coordination. This commission reports that implementation of the bill will have a minimal General Fund impact which can be managed using existing staff and appropriations.

Commission on Indigent Defense. The commission reports that implementation of the bill will have no expenditure impact on the agency's General Fund resources.

State Law Enforcement Division. The bill requires SLED to perform activities that will be conducted in the normal course of agency business. Therefore, the bill does not have an expenditure impact on the agency.

State Revenue

N/A

Local Expenditure

RFA surveyed all county governments and the Municipal Association of South Carolina as to the expenditure impact of implementation of the bill and received a response from Dorchester County. The county reports that it does not foresee any expenditure impact so long as the courts can assign financial responsibility of the care of a seized animal to an owner who is not indigent. However, if no owner is located, or if the owner is indigent, the county may have to surrender the animal to a county shelter and would thus incur costs associated with care and potential euthanasia of the animal.

Local Revenue

N/A

Amended by House Judiciary on March 1, 2023

State Expenditure

Currently, a custodian may petition the court to demand payment from a defendant who is convicted in an animal cruelty case for animal care expenses incurred during the time of litigation. If the defendant is not found guilty, the county or municipality in which the offense occurred must pay the reasonable expenses of the custodian. This bill enables a law enforcement officer or other entity awarded custody of an animal as part of an animal cruelty case to petition the court to require the owner of a seized animal to make scheduled payments to the court for

costs associated with the animal's care during the time of litigation. The court must hold a hearing to determine whether the seized animal needs care during the pending litigation and to determine whether the seizure of the animal was authorized. If the court finds that the seizure was authorized, the owner will be ordered to make the required scheduled payments for care of the animal. If the owner fails to make the required payments, he must forfeit the animal to the petitioning agency for disposition or transfer. The bill also removes the ability of a law enforcement officer who has seized an animal as part of an animal cruelty case to hold a lien on the animal for expenses associated with the animal's care.

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Commission on Indigent Defense. The commission reports that implementation of the bill will have no expenditure impact on the agency's General Fund resources.

State Law Enforcement Division. The bill requires SLED to perform activities that will be conducted in the normal course of agency business. Therefore, the bill does not have an expenditure impact.

State Revenue

N/A

Local Expenditure

The Revenue and Fiscal Affairs Office surveyed local governments and the Municipal Association of South Carolina as to the expenditure impact of implementation of the bill and received a response from Dorchester County. The county reports that it does not foresee any expenditure impact so long as the courts can assign financial responsibility of the care of a seized animal to an owner who is not indigent. However, if no owner is located, or if the owner is indigent, the county may have to surrender the animal to a county shelter and would thus incur costs associated with care and potential euthanasia of the animal.

Local Revenue

N/A



Frank A. Rainwater, Executive Director