



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	H. 3433	As amended by the House of Representatives on April 16, 2015
Author:	Erickson	
Requestor:	Senate Judiciary	
Date:	May 27, 2015	
Subject:	Domestic Violence Reform Act	
RFA Analyst(s):	Gardner, Fulmer, Shealy, Stein, and Wren	

Estimate of Fiscal Impact

	FY 2015-16	FY 2016-17
State Expenditure		
General Fund	\$4,630,000	N/A
Other and Federal	N/A	N/A
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	N/A	N/A
Other and Federal	N/A	N/A
Local Expenditure	\$2,700,000	\$1,700,000
Local Revenue	N/A	N/A

Fiscal Impact Summary

House Bill 3433 would have a recurring and expenditure impact on the General fund of \$4,630,000 in FY 2015-16. Recurring expenditures of \$4,630,000 are anticipated in FY 2016-17 and each year thereafter. Federal Funds and Other Funds will not be affected. We expect an estimated statewide initial expenditure impact on county governments of \$2,700,000 in FY 2015-16 and a recurring impact of \$1,700,000 in FY 2016-17 and each year thereafter. The bill would have a minimal cost savings on municipal governments. There will be no expenditure impact on local school districts.

Explanation of Fiscal Impact

State Expenditure

This bill enacts the “Domestic Violence Reform Act” and amends Chapter 1 of Title 16 to include domestic violence in the first degree as a violent crime. It also amends Chapter 3 of Title 16 to revise the definition of “moderate bodily injury.” Further, it amends Chapter 25 of Title 16 to define necessary terms; redefine an offense of domestic violence of a high and aggravated nature and restructure the penalty; restructure domestic violence offenses by graduating penalties into degrees, defining the elements of such degrees, and providing for a new penalty structure; authorize judges to proceed with prosecution of domestic violence cases without the victim present; require judges to make certain inquiries and written findings regarding the readiness of the prosecution and the type of evidence to be presented; enable judges to prohibit offenders of domestic violence of a high and aggravated nature from shipping, transporting, possessing, or receiving firearms or ammunition while under bond; require documentation of investigations and

maintenance of such records by the investigating agency for warrantless domestic violence arrests or searches; direct the Department of Social Services to coordinate with the South Carolina Voucher Program to provide certain childcare services to victims to encourage participation in court hearings; and require the court to consider certain factors before releasing on bond a person charged with a violent offense when the victim is a household member. The bill also adds Article 3 to Chapter 25 of Title 16 to create the Department of Domestic Violence Fatalities within the Office of the Attorney General of South Carolina. Article 3 provides for the investigation of domestic violence fatalities, grants powers and assigns duties to the new department, allows the Attorney General to oversee investigations and administration of the department, creates the Domestic Violence Fatality Advisory Committee, and provides for the exemption of certain investigative information from the provisions of the Freedom of Information Act. Further, the bill adds Article 5 to Chapter 25 of Title 16 to recodify the provisions of Section 43-1-260 related to community domestic violence coordinating councils. The bill also amends Chapter 15 of Title 17 to require courts to consider whether a person awaiting trial should be released if such release would constitute an unreasonable danger to the community or an individual; clarify that the court with jurisdiction of the offense may amend an order relating to bond at any time; and enable a summary court to, in the case of determining bond revocation only, have concurrent jurisdiction with the circuit court for ten days from the date bond is first set by the summary court. Further, the bill amends Chapter 22 of Section 17 to require the Domestic Violence Fatality Advisory Committee to, with approval of the Attorney General, develop a batterer's treatment program for use as part of a pretrial intervention for certain domestic violence offenses. Chapter 25 of Section 17 will also be amended to deem "domestic violence of a high and aggravated nature" and "domestic violence in the first degree" as "serious" offenses. Sections 17-15-30 and 22-5-510 will also be amended to require the court to consider if the release of an offender on bond would constitute an unreasonable danger to the community or an individual; provide that bond hearings for alleged offenders of certain domestic violence offenses may not proceed without the offender's criminal record and incident report, as well as the presence of the arresting officer; provide that such bond hearings be conducted within twenty-four hours after the offender's arrest; and provide that failure of a party to adhere to any bond condition may result in the issuance of a bench warrant for contempt. The bill also amends Chapter 3 of Section 22 to authorize circuit solicitors to establish at their discretion a program for prosecution of first domestic violence offenses to expand the programs to include all misdemeanor domestic violence offenses. Chapter 5 of Section 22 is also amended to provide that deposits in lieu of recognizance and payment to jails/correctional facilities to secure immediate release will not apply to persons charged with domestic violence offenses. Further, the bill repeals Section 43-1-260 relating to community domestic violence coordinating councils and amends Section 59-32-30 to add domestic violence to the State's comprehensive health education program and to, as appropriate, strike the word "criminal" from references to domestic violence offenses.

Judicial Department. This bill restructures domestic violence offenses by graduating the penalties into degrees, defining the elements of each degree, and providing a new penalty structure. The new degree elements may potentially increase the number of cases; however, there is no data currently available to indicate the number of additional hearings or trials which may result. It is anticipated that ensuing additional costs would likely be absorbed by the General

Fund. Should this legislation result in a significant number of additional hearings, it could also lead to an increased backlog for the Circuit and Magistrate Courts.

This bill would require the judiciary to receive additional education as to the restructured offenses. It is anticipated that the expenditure impact of this activity would be absorbed by the Judicial Department's general funds. There may be additional costs for counties due to an increase in hearings conducted by the Summary Courts.

South Carolina Commission on Prosecution Coordination. This agency reports there will be a cost to the General Fund, as the bill will cause all Criminal Domestic Violence (CDV) cases currently being managed by magistrate and municipal courts to be handled in General Sessions Court due to an increase in time required for prison penalties. In 2014, Magistrate Courts processed 6,124 first offense CDV cases, and Municipal Courts processed 1,763 first offense CDV cases. However, these figures reflect only a portion of the estimated cases to be handled, as only 25% of municipalities report their respective case dispositions to the Judicial Department. If all Municipal Court dispositions are included, approximately 10,500 to 11,500 CDV cases will be added to General Sessions Court, which will require the hiring of 42 additional assistant solicitors, 16 additional investigators/victim advocates and 16 additional paralegals. The expenditure impact to the General Fund is expected to be \$4,630,000 in recurring funds.

Department of Social Services. This bill would move the Batterer Intervention program to the Attorney General's Office. In addition, the Director of the department would serve as an ex-officio member of the Domestic Violence Advisory Committee. There is no expenditure impact to the General Fund, Federal Funds, or Other Funds.

South Carolina Law Enforcement Division. The agency indicates that the costs associated with the implementation of this bill would be minimal and can be absorbed using existing resources.

Senate. This bill would add one member of the Senate to serve on the Domestic Violence Advisory Committee. The Senate indicates the cost would be minimal and can be absorbed using existing resources.

House of Representatives. The House of Representatives indicates the cost would be minimal and can be absorbed using existing resources.

Law Enforcement Training Council. The agency indicates that the costs associated with the implementation of this bill would be minimal and can be absorbed using existing resources.

Attorney General. The Attorney General's office indicates that the costs associated with the implementation of this bill would be minimal and can be absorbed using existing resources.

Department of Mental Health. The agency indicates that the costs associated with the implementation of this bill would be minimal and can be absorbed using existing resources.

Governor's Office of Executive Policy and Programs. The agency indicates this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

Department of Health and Environmental Control. The agency indicates this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

State Revenue

N/A

Local Expenditure

The Revenue and Fiscal Affairs Office contacted the State Department of Education, the Municipal Association of South Carolina, and all county governments regarding the expenditure impact of this bill. According to the Department of Education, the bill would have no expenditure impact on local school districts, as the subject of domestic violence is already addressed in education standards for both middle and high schools. The Municipal Association indicates this bill would reduce caseloads in municipal court, which would create a minimal cost savings on municipal governments. We had no responses on potential county court savings from the expected reduction in caseloads. York County indicates the bill would have no expenditure impact on their law enforcement agency; Williamsburg County, however, notes that the bill would have an initial expenditure impact on their law enforcement agency of \$154,000 and a recurring impact of \$94,000. Prorating the county figures results in an estimated statewide initial expenditure impact of \$2,700,000 and a recurring impact of \$1,700,000.

Local Revenue

N/A



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