



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3215 Introduced on January 10, 2017
Author: J.E. Smith
Subject: Impersonating a Lawyer
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: May 2, 2017

Estimate of Fiscal Impact

	FY 2017-18	FY 2018-19
State Expenditure		
General Fund	Pending	\$0
Other and Federal	Pending	\$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

This bill, which creates a new crime, will not have an expenditure impact for the Commission on Prosecution Coordination, the Commission on Indigent Defense, or the Judicial Department. The expenditure impact on the Department of Corrections is pending, contingent upon a response from the agency. The bill is not expected to have a significant impact on General Fund or Other Fund Revenue. The expenditure and revenue impact on local government is not expected to be significant.

Explanation of Fiscal Impact

Introduced on January 10, 2017

State Expenditure

This bill makes it unlawful for a person other than a lawyer, who is licensed to practice law in this state, another state, jurisdiction in the United States and in good standing, to represent to any person that he is a lawyer for the purpose of soliciting business, obtaining anything of value, or providing legal advice or assistance. A person convicted of a first offense is guilty of a misdemeanor and must be fined not more than \$5,000 or imprisoned for not more than two years. A person convicted of a second offense is guilty of a misdemeanor and must be imprisoned for not more than three years. A person convicted of a third or subsequent offense is guilty of a felony and must be imprisoned for not more than five years.

Commission on Prosecution Coordination. The commission indicates that any additional expenditures can be managed within existing resources. The implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

Commission on Indigent Defense. The commission indicates that any additional expenditures can be managed within existing resources. The implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

Judicial Department. This bill creates the offense of impersonating a lawyer and provides graduated penalties. Any hearings or trials related to this new criminal offense would be held in general sessions court. In FY 2015-16, there were seven charges in state court for the unauthorized practice of law which resulted in three convictions. While there is no data to estimate the number of additional hearings and trials which may result because of this crime, the department expects to manage any additional costs within current resources. Should the bill result in a significant number of additional hearings and trials, it could lead to an increased backlog for common pleas and general sessions courts.

Department of Corrections. The expenditure impact is pending, contingent upon a response from the department.

State Revenue

This bill makes a first offense conviction for impersonating a lawyer a misdemeanor punishable by a fine of not more than \$5,000 or imprisonment for not more than two years. Existing law distributes revenue generated from fines, assessments, and surcharges imposed for convictions among the General Fund, specified state agencies and programs, and local governments. Although data is not available to estimate the number of convictions that may result from this bill, the Revenue and Fiscal Affairs Office does not expect the state's share of any revenue to be significant.

Local Expenditure

This bill makes it a crime for a person to impersonate a lawyer. The number of such offenses that may occur is unknown. However, the bill's effect on local law enforcement is not expected to be significant.

Local Revenue

This bill makes a first offense conviction for impersonating a lawyer a misdemeanor punishable by a fine of not more than \$5,000 or imprisonment for not more than two years. Existing law distributes revenue generated from fines, assessments, and surcharges imposed for convictions among the General Fund, specified state agencies and programs, and local governments. Although data is not available to estimate the number of convictions that may result from this bill, the Revenue and Fiscal Affairs Office does not expect local governments' share of any revenue to be significant.



Frank A. Rainwater, Executive Director