



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3329 Amended by House Judiciary on February 22, 2018
Author: Fry
Subject: Human Trafficking
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: April 25, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	See Below	\$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

This bill modifies the penalties for human trafficking offenses and requires the Attorney General to establish criteria and procedures that Human Trafficking Acute Crisis Care Resource Centers must follow. The Attorney General’s Office does not anticipate an expenditure impact as evaluation and certification duties are within the agency’s current scope of operations.

The Judicial Department reports there is no data to estimate the number of hearings or trials that may be initiated as a result of the bill, however it expects to manage any expenditure impact using existing General Fund resources.

This bill will have no impact on the Commission on Prosecution Coordination or Commission on Indigent Defense expenditures because it does not materially alter the oversight or regulatory activities of these agencies.

The Department of Corrections (SCDC) reports that there is no data related to either the ages of the victims or the patterns of arrest, conviction, and sentencing making it difficult to determine whether there will be an increase in the prison population and an associated expenditure impact. Therefore, the expenditure impact of the bill on the General Fund, Other Funds, and Federal Funds is undetermined for SCDC.

Explanation of Fiscal Impact

Amended by House Judiciary on February 22, 2018

State Expenditure

This bill amends existing provisions pertaining to human trafficking by deleting the definition of trafficking in persons and rewording, but not altering, the penalty for offenders convicted of human trafficking offenses against persons under the age of eighteen years. Convictions for human trafficking of a victim under the age of eighteen years are felony acts punishable by a mandatory prison sentence of up to forty-five years. In cases where a victim is a minor at the time he commits the trafficking offense, he may not be prosecuted for a human trafficking or prostitution offense if the investigation determines there is a valid affirmative defense.

The bill also requires the Attorney General's Human Trafficking Task Force to establish criteria and procedures that Human Trafficking Acute Crisis Care Resource Centers must follow. In addition, centers must be staffed with service providers that have been certified by the Attorney General. Once the centers are open, family courts must determine the most appropriate way to provide needed services to minors to address human trafficking concerns.

Judicial Department. This bill will require family courts to develop criteria for the provision of services to minors at Human Trafficking Acute Crisis Care Resource Centers. The department expects the bill to have little impact on the prosecution of adult human traffickers in general session courts since the definition of the offense has not been substantially altered. However, the bill may impact the number of juveniles prosecuted for substantive offenses either in general sessions or family courts since the connection between the juvenile's victim status and the offense must be determined by an investigation. This may result in either an increase or decrease in the number of hearings or trials held in these courts. As the bill creates new offenses, there is no data available with which to estimate the number of hearings or trials that may be initiated. However, the department expects to manage any increase in costs related to additional hearings or proceedings using existing General Fund resources.

Office of the Attorney General. The bill requires the agency's Human Trafficking Task Force to establish criteria and procedures that Human Trafficking Acute Crisis Care Resource Centers must follow. The agency will use the criteria established by the task force to vet new centers and certify the human trafficking service providers that will be working at the centers. The agency expects this program will be managed in a manner similar to its certification program for victim service providers (VSPs). As evaluation and certification duties are inherent in the agency's current scope of operations, there will be no expenditure impact on the General Fund, Other Funds, or Federal Funds.

Commission on Prosecution Coordination. The commission indicates this bill does not add to the duties of the commission. Therefore, 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 this bill does not add to the duties of the commission. Therefore, the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

Department of Corrections. This bill modifies the penalties for human trafficking offenses when the victim is a minor. Currently, individuals that are convicted of first, second, or third and subsequent offenses must be imprisoned not more than fifteen, thirty, or forty-five years respectively. Where the victim is a minor, a defendant is required to serve an additional penalty of fifteen years after the original sentence is fulfilled. This bill adds language regarding the length of imprisonment for crimes against a minor as first offenses must carry a prison sentence of no more than thirty years and second or subsequent offenses must carry no more than forty-five years of imprisonment.

During FY 2016-17, only one person was admitted to a South Carolina Department of Corrections (SCDC) facility for a conviction of trafficking in persons. SCDC is unaware as to whether the victim in this case was under the age of eighteen, as the department does not typically collect such information. The department believes that three offenders who were admitted to SCDC facilities in FY 2016-17 for offenses of sexual exploitation of a minor in the first degree and trafficking in forced labor could have, under the provisions of the bill, been convicted of a human trafficking offense on a minor. However, the lack of empirical data related to the age of the victim and the patterns of arrests, convictions, and sentences make it difficult to determine whether an increase in the prison population will result from the bill. Should the bill lead to an increase in the prison population, the department expects there to be an expenditure impact on General Fund resources of an undetermined amount.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director