



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** S. 0089    Introduced on January 10, 2017  
**Author:** Campbell  
**Subject:** Unlawful Conduct Toward Child  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** February 22, 2017

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**Estimate of Fiscal Impact**

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

**Fiscal Impact Summary**

This bill is likely to increase General Fund, Other Fund, and local expenditures due to increased hearings, cases, and convictions but sufficient data does not exist in order to provide a detailed estimate. The revenue impact of this bill on General Funds, Other Funds, and local revenues is also undetermined given the insufficiency of data regarding increased convictions and possible fines.

**Explanation of Fiscal Impact**

**Introduced on January 10, 2017**

**State Expenditure**

This bill provides that it is unlawful for a person having charge or custody of a child to place the child under the care or supervision of a person who has a substantiated history of child abuse or neglect or who has pled guilty or nolo contendere or been convicted of certain offenses. These offenses include crimes against a person, crimes against morality or decency, contributing to the delinquency of a minor, assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger, criminal domestic violence, felony-related drug offenses, unlawful conduct toward a child, cruelty to children, child endangerment, and criminal sexual conduct with a minor in the first degree. A person convicted of the offense is guilty of a felony punishable by a fine in the discretion of the court or imprisonment for not more than 10 years, or both.

**Judicial Department.** The department reports that in FY 2015-16, there were 2,476 charges brought under the existing criteria for unlawful conduct toward a child and 946 convictions. As

the bill expands the criteria by which a person may commit unlawful conduct toward a child, it may result in additional hearings or trials held in general sessions court and an increased backlog. While there is no data available to determine the number of additional hearings or trials that may be held, the department believes any expenditure impact on the General Fund can be absorbed within current resources.

**Commission on Prosecution Coordination.** As the bill increases the number of offenses that comprise unlawful conduct toward a child, the commission expects there to be an expenditure impact on the General Fund for solicitors. However, as there is no data available to quantify the number of additional cases that may be heard, the extent of the fiscal impact cannot be determined.

**Commission on Indigent Defense.** The commission reports that should the bill result in an increase in the number of cases for unlawful conduct toward a child, it may have a minimal expenditure impact on the General Fund that can be absorbed within current resources.

**Department of Corrections.** The department reports that this bill, which expands the criteria by which a person may commit unlawful conduct toward a child, may result in an increase in inmate admissions and therefore the prison population. In FY 2015, the department received 189 new court admissions of offenders under the existing statute. However, as there is no empirical data to support the number of additional offenders who may be arrested, convicted and sentenced to agency facilities, the expenditure impact cannot be determined.

**Department of Probation, Parole and Pardon Services.** The department reports that should the bill result in an increase in the number of offenders placed on probation or parole, it may have a minimal expenditure impact on the General Fund that can be absorbed within current resources.

**Department of Social Services.** The expenditure impact is undetermined, pending a response from the agency.

#### **State Revenue**

Pursuant to this bill, additional fines may be imposed at the court's discretion. Given the discretion of the court and the lack of data regarding potential fines, the impact on state revenue is undetermined.

#### **Local Expenditure**

N/A

#### **Local Revenue**

Pursuant to this bill, additional fines may be imposed at the court's discretion. Given the discretion of the court and the lack of data regarding potential fines, the impact on local revenue is undetermined.



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Frank A. Rainwater, Executive Director