



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0431 Introduced on February 16, 2017
Author: Senn
Subject: Offenses Involving Weapons
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: April 20, 2017

Estimate of Fiscal Impact

	FY 2017-18	FY 2018-19
State Expenditure		
General Fund	\$0	\$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

The implementation of this bill will not have an expenditure impact on the General Fund, Other Funds, or Federal Funds. The revenue generated from fines, assessments and surcharges is not expected to have a significant impact on the General Fund and Other Funds.

The expenditure and revenue impact on local government is not anticipated to be significant.

Explanation of Fiscal Impact

Introduced on February 16, 2017

State Expenditure

This bill establishes a new offense for a person who threatens, solicits another to threaten, or conspires to threaten to cause damage, injury, or death or who causes damage to or destroys a building or other real or personal property by use of a firearm on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution or in any publicly owned building. Persons convicted of violating these provisions are guilty of a misdemeanor and must be fined not more than \$2,000 or imprisoned for not more than two years, or both. Persons who violate these provisions and cause damage to or destruction of a building or other real or personal property are, upon conviction, guilty of a misdemeanor and must be fined not more than \$3,000 or imprisoned for not more than three years, or both. Persons who violate these provisions and cause the injury or death of another person are, upon conviction, guilty of a felony and must be fined not more than \$5,000 or imprisoned for not more than five years, or both.

Commission on Prosecution Coordination. As there is no data on how many offenses may be committed and prosecuted, the commission cannot estimate the in solicitor's caseloads. However, the commission anticipates solicitors managing any increase within existing resources.

Commission on Indigent Defense. As there is no data on how many charges will be brought against indigent persons for the offense, the commission cannot estimate the increase in cases by persons represented by public defenders. However, the commission expects to manage any increase in cases within existing resources.

Judicial Department. The department indicates this bill makes it unlawful for a person to threaten, solicit another to threaten, or conspire to threaten to cause damage, injury, or death or to cause damage to or destroy a building or other real or personal property by use of a firearm on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution or in any publicly owned building. This bill creates a new offense. Therefore, data is not available to determine the additional number of hearings or trials which may be held as a result of this bill. It is anticipated that any additional costs as a result of this bill would be managed within the Judicial Department's existing resources. However, should this legislation result in a significant number of additional hearings and trials in General Sessions Court, it could result in an increased backlog for the Circuit Court as a whole.

Department of Corrections. This bill creates new misdemeanor and felony offenses for persons who unlawfully threaten, solicit another to threaten, or conspire to threaten to cause damage, injury, or death or who cause damage to or destroy a building or other real or personal property by use of a firearm on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution or in any publicly owned building. Penalties for convictions consist of fines that range from \$2,000 to \$5,000 and/or prison terms ranging from not more than two years to not more than five years. As there is no existing data on the patterns of arrest, conviction, or sentencing for these offenses, the department cannot determine the expenditure impact of the bill. However, the department does not expect the bill to significantly increase the prison population.

State Revenue

The bill creates new misdemeanor and felony offenses punishable by fine, imprisonment, or both. Existing law distributes revenue generated from fines, assessments on fines and surcharges on convictions among the General Fund, specific state agencies and programs, and local government. Because this bill creates new crimes for which there is no data to estimate the number of convictions or fines that may be imposed, the revenue impact of this bill on the General Fund or Other Funds cannot be quantified. However, the state's share of any such revenue is not expected to be significant.

Local Expenditure

The bill creates new misdemeanor and felony offenses. Although the number of offences that may occur are unknown, the number is not expected to significantly increase local law enforcement activity. Therefore, the Revenue and Fiscal Affairs Office does not anticipate this bill will have a significant expenditure impact on local government.

Local Revenue

The bill creates new misdemeanor and felony offenses punishable by fine, imprisonment, or both. Existing law distributes revenue generated from fines, assessments on fines and surcharges on convictions among the General Fund, specific state agencies and programs, and local government. Because this bill creates new crimes for which there is no data to estimate the number of convictions or fines that may be imposed, the revenue impact of this bill on local governments cannot be quantified. However, local government share of any such revenue is not expected to be significant.



Frank A. Rainwater, Executive Director