



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	S. 0517	Introduced on March 8, 2017
Author:	Senn	
Subject:	Desecration of Human Remains	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	April 24, 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 bill is not expected to have an expenditure impact on the General Fund, Other Funds, Federal Funds, or local government. The revenue impact on the General Fund, Other Funds, and local government is not expected to be significant.

Explanation of Fiscal Impact

Introduced on March 8, 2017

State Expenditure

This bill provides for enhanced punishment when various crimes involving the desecration of human remains or their repositories are motivated in whole or in part by the offender's bias against a race, religion, disability, ethnicity or gender.

The current penalty for destroying, damaging, removing, or desecrating human remains, without bias-based motivation as an aggravating factor, is a fine of not more than \$5,000, or imprisonment for not less than one year nor more than ten years, or both. When the aggravating circumstance is present for this felony offense, an additional fine up to \$2,500, or imprisonment for up to six months, or both, may be imposed.

The current penalty for the desecration or vandalization of a burial location, or the removal, desecration, or vandalization of a gravestone, Native American burial ground or mound, memorial monument, park, or battlefield, without the aggravating factor, consists of a fine not more than \$5,000 or imprisonment for not more than ten years, or both. When the aggravating

circumstance is present for this felony offense, an additional fine up to \$2,500, or imprisonment for up to five years, or both, may be imposed.

The current penalty for the theft of anything of value located upon or around a repository for human remains or within a human graveyard, cemetery, Native American burial ground or mound, or memorial park, or involving the willful destruction or injury of fencing, plants, trees, shrubs, or flowers located upon or around these locations is dependent upon the value of the property stolen, damaged, or destroyed. When the theft of, destruction to, injury to, or loss of property is valued at less than \$400, the offense without the aggravating factor is classified as a misdemeanor triable in magistrates court or municipal court. Convicted offenders must pay a fine of not more than \$1,000, or be imprisoned for not more than 30 days, or both, and must be required to perform not more than 250 hours of community service. When the theft of, destruction to, injury to, or loss of property is valued at \$400 or more, the offense without the aggravating factor is classified as a felony punishable by a fine of not more than \$5,000, or imprisonment for not more than five years, or both, and not more than 500 hours of community service. When the aggravating circumstance is present for the misdemeanor offense, an additional fine up to \$500, or imprisonment for not more than 30 days, or both, may be imposed. When the aggravating circumstance is present for the felony offense, an additional fine up to \$2,500, or imprisonment for up to two years, or both, may be imposed.

Commission on Prosecution Coordination. There is no data available to determine if additional cases may be prosecuted because of this bill. However, the commission expects solicitors to manage any increase in caseloads within current resources.

Commission on Indigent Defense. The commission cannot estimate whether this bill will result in additional cases for public defenders. However, the commission anticipates public defenders and the commission will manage any increase in caseloads within existing resources.

Judicial Department. The bill provides enhanced penalties for the destruction or desecration of human remains or repositories motivated in whole or in part by the offender's bias against race, religion, disability, ethnicity, or gender. There is no data available to determine if additional hearings or trials may be held in the courts because of the bill. However, the department expects to manage any expenditure impact resulting from the bill within current resources. If a substantial number of additional hearings or trials are held, it could result in a backlog for the circuit courts.

Department of Corrections. This bill provides for enhanced penalties for violations motivated in whole or in part by the offender's bias against a race, religion, disability, ethnicity, or gender. The existing statute for these offenses provides for a maximum sentence of up to ten years in prison. The penalty enhancements provided for in the bill could, in some circumstances, increase the length of imprisonment by up to five years, which may result in an increase in the prison population. During FY 2015, the department admitted two persons for convictions under the current statute, with only one of those persons having the offense as his most serious crime. During FY 2016, no persons were admitted to the department for violations of the current statute. Although the department does not have information about any motivation for the current

convictions to guide an estimate, the department does not expect the bill to have a significant impact on the size of the prison population.

State Revenue

The bill provides enhanced penalties for the desecration of human remains or repositories if the offender is motivated in whole or in part by bias against a race, religion, disability, ethnicity, or gender. The potential additional fines may reach \$2,500 for the felony offenses and \$500 for the misdemeanor. The imposition of a fine and the amount are within the discretion of the judge. Existing law distributes revenue generated by fines, assessments on fines and surcharges on convictions among the General Fund, specific state agencies and programs, and local government. Although the state's share of any such revenue cannot be quantified, the amount is not expected to be significant given the number of convictions under the current law.

Local Expenditure

As this bill provides for enhanced punishment for existing crimes, local government is not expected to incur additional law enforcement or summary court expenses.

Local Revenue

The bill provides enhanced penalties for the desecration of human remains or repositories if the offender is motivated in whole or in part by bias against a race, religion, disability, ethnicity, or gender. The potential additional fines may reach \$2,500 for the felony offenses and \$500 for the misdemeanor. The imposition of a fine and the amount are within the discretion of the judge. Existing law distributes revenue generated by fines, assessments on fines and surcharges on convictions among the General Fund, specific state agencies and programs, and local government. Although the local share of any such revenue cannot be quantified, the amount is not expected to be significant given the number of convictions under the current law.



Frank A. Rainwater, Executive Director