



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0560 Introduced on March 16, 2017
Author: Hutto
Subject: Sex Offender Registry
Requestor: Senate Judiciary
RFA Analyst(s): Wren and Gardner
Impact Date: April 14, 2017 - Updated for Additional Agency Response

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 Judicial Department or the South Carolina Law Enforcement Division (SLED). This fiscal impact statement has been revised to include a response from the Judicial Department and an analysis of the impact for SLED.

Explanation of Fiscal Impact

Introduced on March 16, 2017

Updated for Additional Agency Response

State Expenditure

This bill provides the family court with the discretion to determine whether a child fourteen years of age or older who has been adjudicated delinquent for a sexual offense by a family court in South Carolina, by a comparable court in the United States or a foreign country, or by a court of competent jurisdiction when the person was required to register in the state where the adjudication occurred, shall be placed on the state sex offender registry. Factors the court may consider include whether a risk assessment or mental health evaluation suggests the juvenile will reoffend, the age of the juvenile at the time of the offense, mitigating factors, aggravating factors including, but not limited to, use of force or weapons, and other factors the court considers relevant. Children under the age of fourteen will not be required to register as sex offenders. A child who has registered as a sex offender may petition the family court for an order to remove his name from the sex offender registry when he turns twenty-one years of age. Factors the court may consider include whether a risk assessment or mental health evaluation suggests the petitioner will reoffend, the age of the petitioner at the time of the offense, mitigating factors,

aggravating factors including, but not limited to, use of force or weapons, and other factors the court considers relevant.

The bill also provides that information concerning children adjudicated delinquent in family court for a sexual offense must not be made available to the general public. However, this information must be made available upon request by victims of or witnesses to sexual offenses, public or private schools, childcare facilities, or businesses and organizations that primarily serve children, women, or vulnerable adults. Further, the bill deletes the requirement that a person who is under twelve years of age at the time of his adjudication, conviction, guilty plea, or plea of nolo contendere for a first or subsequent sexual offense must register as a sex offender, and it eliminates the requirement that registry information on young offenders who have subsequent offenses must be made available to the public. The family court continues to have jurisdiction of a person beyond the age jurisdiction would otherwise terminate for the purposes of reviewing a petition for removal of the person's name from the sex offender registry for a prior family court adjudication.

State Law Enforcement Division. The bill restricts the type of data that may be made available to the public about a child adjudicated delinquent in family court. Therefore, we do not expect the bill will have an expenditure impact on the agency.

Judicial Department. The agency indicates that since the bill allows individuals required to be placed on the sex offender registry to petition the court for removal upon reaching twenty-one years of age, it is anticipated that additional hearings could be held in family court. There is no data available to indicate the number of additional hearings that may result due to passage of this bill. Any additional expenses would likely be absorbed by the agency's General Fund. However, if this legislation results in a significant number of additional hearings and trials, an increased backlog in family court could occur.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

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State Law Enforcement Division. The expenditure impact is pending, contingent upon a response from the agency.

Judicial Department. The expenditure impact is pending, contingent upon a response from the agency.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director