



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** S. 0560 Amended by Senate Judiciary on March 22, 2018  
**Author:** Hutto  
**Subject:** Sex Offender Registry  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** May 1, 2018

**Estimate of Fiscal Impact**

	<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>State Expenditure</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$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**

The bill is not expected to have an expenditure impact on the Judicial Department, the South Carolina Law Enforcement Division (SLED), or the Department of Juvenile Justice.

This fiscal impact statement has been revised to include a response from the Department of Juvenile Justice.

**Explanation of Fiscal Impact**

**Amended by Senate Judiciary on March 22, 2018**

**State Expenditure**

This bill as amended 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, 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 psychosexual assessment by the Department of Juvenile Justice 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, weapons, or other forms of violence; and other factors the court considers relevant. Both the juvenile and the State retain the right to seek a separate psychosexual evaluation to present to the family court in addition to the evaluation conducted by the Department of Juvenile Justice.

Children under the age of fourteen will not be required to register as sex offenders. The amended bill provides that a juvenile fourteen years of age or older who has been adjudicated delinquent by the family court for criminal sexual conduct in the first, second, or third degree or for assault with intent to commit criminal sexual conduct in the first, second, or third degree must register as a sex offender. The family court will determine whether information on the offender will be made available for the public or if the information will only be available upon request to victims or witnesses to the offense, public or private schools, childcare facilities, or businesses or organizations that primarily serve children, women, or vulnerable adults. The only information that will be made available in the sex offender registry involving a juvenile adjudicated delinquent in family court for criminal sexual offenses will be for cases involving criminal sexual conduct in the first or second degree.

**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 and does not alter the oversight or regulatory activities of the agency. Therefore, the bill is not expected to have an expenditure impact on SLED.

**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.

**Department of Juvenile Justice.** The department reports that psychosexual assessments are already administered at the point of evaluation for juveniles adjudicated of a sex offense (or pled down sex offense) and are usually court-ordered. As the bill does not add to the duties of the department, the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds. This section of the fiscal impact statement has been updated to include a response from DJJ.

#### **State Revenue**

N/A

#### **Local Expenditure and Revenue**

N/A

#### **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 and Revenue**

N/A

**Introduced on March 16, 2017**

**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 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



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Frank A. Rainwater, Executive Director