



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** S. 0773    Introduced on January 9, 2018  
**Author:** Rice  
**Subject:** Failure to Stop for Law Enforcement  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** April 5, 2018

**Estimate of Fiscal Impact**

	<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>State Expenditure</b>		
General Fund	\$0	\$258,300,000
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**

This bill increases the penalties for the offense of failing to stop a motor vehicle when signaled by a law enforcement vehicle by requiring mandatory prison sentences for all offenses and lengthening sentences for offenses that previously required imprisonment. As the bill is expected to result in an increase in the South Carolina Department of Corrections (SCDC) prison population by over 1,500 individuals within two years of the bill's enactment, SCDC will need to construct a Level 2 medium security facility to house the additional inmates. This will result in a non-recurring General Fund expenditure impact of \$243,600,000 for construction costs in FY 2019-20. It will also result in a recurring General Fund expenditure impact of \$14,700,000 for annual facility operating costs beginning in FY 2019-20. The total expenditure impact on the General Fund for FY 2019-20 is \$258,300,000.

**Explanation of Fiscal Impact**

**Introduced on January 9, 2018**

**State Expenditure**

This bill amends provisions related to the offense of failing to stop a motor vehicle when signaled by a law enforcement vehicle and revises the existing penalty structure. First offenses where no great bodily injury or death has resulted are currently misdemeanor acts punishable by a fine or imprisonment and driver's license suspension. The bill provides that first offenses will be felony acts punishable by a mandatory prison sentence of not less than three years nor more than five years and driver's license suspension for at least thirty days. Second or subsequent offenses where no great bodily injury or death has resulted are currently felony acts punishable by imprisonment of not more than five years and driver's license suspension. The bill provides

that second and subsequent offenses will be punishable by a mandatory prison sentence of not less than ten years nor more than fifteen years and driver's license suspension for a period of one year from the date of conviction.

When great bodily injury results from a person failing to stop a vehicle when signaled by law enforcement and simultaneously performing an unlawful act or neglecting a duty imposed by law while driving, the offender is guilty of a felony punishable by imprisonment for not more than ten years. The bill revises the penalty for this offense to a mandatory prison term of not less than fifteen years nor more than twenty years. When death results from this act, a person convicted is currently guilty of a felony wherein the penalty is a mandatory prison term of not more than twenty-five years, however, the bill increases the penalty to not less than twenty-five years nor more than thirty years.

**Judicial Department.** The department reports that the implementation of this bill alters the penalties for violations of § 56-5-750, Failure to Stop for Law Enforcement. The department anticipates that the proposed legislation will have no expenditure impact to the General Fund, Other Funds, or Federal Funds.

**Commission on Prosecution Coordination.** The commission indicates that the bill will not alter the current operations of the agency. Therefore, it will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

**Commission on Indigent Defense.** The commission indicates that the bill will not alter the current operations of the agency. Therefore, it will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

**Department of Corrections.** This bill amends provisions related to the offense of failing to stop a motor vehicle when signaled by a law enforcement vehicle and revises the existing penalty structure. In instances where neither great bodily injury nor death results, first offenses are punishable by a mandatory prison term of three to five years, and second or subsequent offenses are punishable by a mandatory prison sentence of ten to fifteen years. Offenders convicted in cases where great bodily injury results must serve a mandatory prison term of fifteen to twenty years. Offenders convicted in cases where death results must serve a mandatory prison term of twenty-five to thirty years.

Court Administration data indicate that in 2017, more than 500 inmates were admitted to South Carolina Department of Corrections (SCDC) facilities for these offenses. Due to judicial discretion most of these inmates were admitted for sentences substantially less than the mandatory minimum prison times proposed in this bill. The department estimates that an additional 900 offenders who were convicted of these offenses in 2017, but not sentenced to SCDC facilities, would require admission to SCDC facilities based on the revised sentencing outlined in this bill. Additionally, a large percentage of the offenders who were admitted to SCDC facilities for these offenses would receive longer prison sentences due to the bill. For these two groups of offenders, the majority are comprised of persons found guilty of a first offense for failure to stop for law enforcement where no bodily injury or death occurs. The

agency presumes that once the bill goes into effect, the majority group of offenders (those guilty of first offenses) will receive the minimum mandatory sentence of three years imprisonment.

The department anticipates that the increase in additional offenders admitted to SCDC facilities, along with lengthier sentences for those offenders who would have been sentenced to SCDC facilities under the previous penalties, is expected to increase the prison population by over 1,500 individuals within two years of the bill's enactment. They anticipate that after thirteen years, the prison population may increase by more than 1,850 individuals and remain at that level, provided that all other variables remain constant. To house the additional inmates, SCDC will need to construct a 1,500 person capacity, medium security (Level 2), institution that will cost an estimated non-recurring \$243,600,000 in FY 2019-20 and incur \$14,700,000 in recurring annual operating costs to the General Fund. The facility is expected to be constructed and become operational within two years of the bill's enactment. The department expects that the total cost of implementing the bill will exceed \$390,000,000 after ten years.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director