



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	S. 1096	Introduced on March 7, 2018
Author:	Alexander	
Subject:	Assault and Battery on a Health Care Professional	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	April 13, 2018	

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	Undetermined	\$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 will result in no expenditure impact on the General Fund, Other Funds, or Federal Funds as the Judicial Department expects to absorb the cost of any increase in cases heard in general sessions courts within existing appropriations. Any savings to municipal and magistrate courts would be retained by municipalities and counties.

For the Commission on Prosecution Coordination and the Commission on Indigent Defense, this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds because individuals charged under the current crime of assault and battery are the same individuals that could be charged under the new offense of assault and battery of a high and aggravated nature. Since these agencies will continue to offer representation to individuals charged under the new offense, this bill is not expected to have an expenditure impact and any additional incurred costs can be absorbed within current resources.

This bill will have an undetermined expenditure impact on the Department of Corrections due to the lack of empirical data to determine the prevalence of arrests, convictions, and sentencing for these offenses, because it is difficult to determine whether there will be an increase in the prison population as a result of this bill.

Explanation of Fiscal Impact

Introduced on March 7, 2018

State Expenditure

This bill amends § 16-3-600 (B)(1) to expand the definition of assault and battery of a high and aggravated nature to include health care professionals during the course of their authorized duties when the offender knows or has reasons to know of the health care professional's status or when the act is committed in a health care facility or a physician's office. Health care professionals include but are not limited to emergency medical service providers, firefighters, emergency room physicians and nurses, and allied health care workers.

Judicial Department. This bill would increase the number of assault and battery cases prosecuted in general sessions courts since it would elevate some cases of what had been third degree assault and battery, an offense currently heard in municipal and magistrate courts, to assault and battery of a high and aggravated nature, a general sessions offense. This would also lead to a decrease in hearings and trials held in municipal and magistrate courts. In FY 2016-17, there were 276 convictions in general sessions courts for offenses of assault and battery of a high and aggravated nature. However, as the department does not keep statistics on the status of the victim or on the physical location of the offense, there is no data available with which to estimate any change in the number of trials or hearings that may be held in either general sessions or municipal and magistrate courts. The department expects to manage any additional costs incurred by general sessions courts within existing General Fund resources. Any savings to municipal and magistrate courts would be retained by municipalities and counties.

Commission on Prosecution Coordination. The commission indicates this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds as any additional costs incurred can be absorbed because individuals charged under the current crime of assault and battery are the same individuals that could be charged under the new offense of assault and battery of a high and aggravated nature.

Commission on Indigent Defense. The commission indicates this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds as any additional costs incurred can be absorbed because individuals charged under the current crime of assault and battery are the same individuals that could be charged under the new offense of assault and battery of a high and aggravated nature.

Department of Corrections. This bill elevates the crime of assault and battery to assault and battery of a high and aggravated nature if a person unlawfully injures a health care professional during the course of the professional's duties and has reason to know of the professional's status or injures someone in a health care facility or provider's office. In FY 2016-17, the South Carolina Department of Corrections (SCDC) admitted 625 offenders convicted of assault and battery offenses. The department reports that it cannot determine how many victims of the FY 2016-17 assault and battery offenses would meet the criteria of the bill, as the nature of a victim's profession is not disclosed to the agency upon the admission of the offender. As there is no data to determine the prevalence of arrests, convictions, and sentencing for these offenses, it

is difficult to determine whether there will be an increase in the prison population or if this bill will result in an expenditure impact on the General Fund as it relates to SCDC.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director