COMMITTEE REPORT

March 21, 2018

**S. 959**

Introduced by Senators Corbin and Hembree

S. Printed 3/21/18--S.

Read the first time February 1, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 959) to amend Section 16-11-770 of the 1976 Code, relating to illegal graffiti vandalism, to provide that, notwithstanding the provisions of Sections 22-3-540, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on February 1, 2018**

**State Expenditure**

This bill amends provisions related to illegal graffiti vandalism to allow that a first offense may be tried in magistrates or municipal court.

**Judicial Department.** This bill requires that all first offense violations for illegal graffiti vandalism be tried in magistrates or municipal court. In FY 2016-17, eighteen first offense violations were heard in general sessions court, and twenty-two first offense violations were heard in magistrates or municipal court. As the bill moves first offense hearings from general sessions court to magistrates or municipal court, any expenditure impact on the general fund for the department would be minimal. Any additional costs related to first offense cases that will be heard in magistrates or municipal court will be borne by the municipalities and counties, which we anticipate can be managed within existing appropriations.

**Commission on Prosecution Coordination.** As the bill does not add to the duties of the commission, the implementation of this bill will have no expenditure impact on the general fund, other funds, or federal funds.

**Commission on Indigent Defense.** As the bill does not add to the duties of the commission, the implementation of this bill will have no expenditure impact on the general fund, other funds, or federal funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 16-11-770 OF THE 1976 CODE, RELATING TO ILLEGAL GRAFFITI VANDALISM, TO PROVIDE THAT, NOTWITHSTANDING THE PROVISIONS OF SECTIONS 22-3-540, 22-3-545, 22-3-550, AND 14-25-65, A FIRST OFFENSE MAY BE TRIED IN MAGISTRATES OR MUNICIPAL COURT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16-11-770 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, a first offense punishable under this subsection may be tried in magistrates or municipal court.”

SECTION 2. This act takes effect upon approval by the Governor.

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