



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	H. 3708	Introduced on January 22, 2019
Author:	Bailey	
Subject:	Bond Release	
Requestor:	House Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	March 17, 2020	Updated for Additional Agency Response

Fiscal Impact Summary

The Judicial Department, State Law Enforcement Division (SLED), and Department of Corrections indicate that responsibilities required by this bill will be handled within their current resources and are not expected to have an expenditure impact on the department.

Charleston County and McCormick County indicated that the bill may have an expenditure impact on county governments related to maintenance on the device, personnel for monitoring of the offenders, and electronic data storage. Lancaster County Sheriff's Office indicated they currently have a contract with a private vendor for electronic monitoring. The Municipal Association of South Carolina anticipates the bill will have no expenditure impact on municipal governments.

This fiscal impact statement has been updated based on responses from the State Law Enforcement Division, Department of Corrections, and local governments.

Explanation of Fiscal Impact

Updated for Additional Agency Response

Introduced on January 22, 2019

State Expenditure

The bill amends Section 16-25-120 to allow courts to order electronic monitoring in lieu of setting bond or as an additional condition of release on bond when a defendant is charged with a violent offense. The person being monitored must be charged for the cost of the electronic monitoring device and its operation. The bill also provides that payment of the cost of electronic monitoring will be retained by the appropriate law enforcement agency with jurisdiction over the offense. Additionally, the bill provides that a person that intentionally removes, tampers with, or damages the device shall be punished in the discretion of the court.

Judicial Department. The bill allows courts to order electronic monitoring of a defendant released on bond charged with a violent offense. The department anticipates that responsibilities required by this bill will be handled within their current resources and are not expected to have an expenditure impact on the department.

State Law Enforcement Division. This bill enables the court to order electronic monitoring instead of setting bond or to order electronic monitoring as an additional condition of release on

bond when a defendant is charged with a violent offense. As SLED is tasked with providing technical assistance to law enforcement agencies which may be responsible for conducting electronic monitoring of a violent offender, RFA queried SLED to determine if the bill would have an expenditure impact on the agency. This bill will have no expenditure impact on SLED.

Department of Corrections. The bill requires the agency to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure.

Of the counties and municipal organizations surveyed, Charleston, Lancaster, and McCormick Counties provided responses on the expected expenditure impact of the bill. Charleston County and McCormick County indicated that the bill may have an expenditure impact on county governments related to maintenance on the device, personnel for monitoring of the offenders, and electronic data storage. Lancaster County Sheriff's Office indicated they currently have a contract with a private vendor for electronic monitoring. The Municipal Association of South Carolina anticipates the bill will have no expenditure impact on municipal governments.

Local Revenue

N/A

Introduced on January 22, 2019

State Expenditure

The bill amends Section 16-25-120 to allow courts to order electronic monitoring in lieu of setting bond or as an additional condition of release on bond when a defendant is charged with a violent offense. The person being monitored must be charged for the cost of the electronic monitoring device and its operation. The bill also provides that payment of the cost of electronic monitoring will be retained by the appropriate law enforcement agency with jurisdiction over the offense. Additionally, the bill provides that a person that intentionally removes, tampers with, or damages the device shall be punished in the discretion of the court.

Judicial Department. The bill allows courts to order electronic monitoring of a defendant released on bond charged with a violent offense. The department anticipates that responsibilities required by this bill will be handled within their current resources and are not expected to have an expenditure impact on the department.

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

Department of Corrections. The expenditure impact of this bill is pending, contingent upon a response from the agency.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

The expenditure impact of this bill is pending, contingent upon a response from local governments.



Frank A. Rainwater, Executive Director