



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0154 Introduced on January 8, 2019
Author: Gregory
Subject: Clerks of Court
Requestor: Senate Judiciary
RFA Analyst(s): Gardner and Miller
Impact Date: January 16, 2019

Fiscal Impact Summary

The Judicial Department, Attorney General, and State Law Enforcement Division (SLED) report there will be no expenditure impact of this bill for the General Fund, Other Funds, and Federal Funds. The local expenditure impact from the additional reporting requirements on magistrate and municipal courts and local law enforcement agencies is undetermined.

Explanation of Fiscal Impact

Introduced on January 8, 2019

State Expenditure

This bill creates a Judicial Criminal Information Technology Committee (JCITC), and changes the crimes and offenses for offenses involving firearms. The following is a section-by-section analysis of the statutes added or modified by this bill that may affect state expenditures.

Section 1. Under current law, every clerk of court shall report the disposition of each case in the Court of General Sessions to SLED within thirty days of the disposition. This bill changes the number of days from thirty days to ten days excluding weekends and holidays. Additionally, the clerk of the court shall report to SLED, within forty-eight hours, the issuance of any restraining orders; orders of protection; orders preventing a person from possessing a firearm; convictions related to or orders issued to prevent acts of domestic violence against another person; orders issued related to the stalking, intimidation or harassment of another person; and orders for bond.

Judicial Department. The department indicates there will be no additional costs to the general sessions courts regarding the reporting requirements to SLED.

State Law Enforcement Division. The department indicates this bill does not operationally impact the day-to-day responsibilities of SLED since the department already receives disposition reports from the general sessions courts.

Section 4. This bill requires each state law enforcement agency to report to SLED within twenty-four hours: the filing of an incident report for each criminal case; the filing of an order of protection or restraining order; or any order or report relating to an incident of domestic violence; and any incident in which a person may be prohibited from obtaining or possessing a firearm by state or federal law.

Attorney General. The Attorney General's Office indicates the expenditure impact is minimal and any additional costs associated with reporting to SLED would likely be managed within existing appropriations.

State Law Enforcement Division. The department indicates that while state law enforcement agencies currently do not report to SLED the items listed in Section 4, the impact of receiving this information will be minimal and can be absorbed within existing resources.

Section 5. This bill establishes the JCITC, which is composed of a member of the Senate, a member of the House of Representatives, the Chief Justice of the Supreme Court, one member who is a judge of the state, one member who is a clerk of court, one member who is a circuit solicitor, one member who is a circuit public defender, and one member who is a sheriff or municipal chief of police.

The JCITC has the power and duties to review the current state of law enforcement information technology and reporting. Additionally, they will review the current state of judicial information technology and the technology and funding needs of state and local law enforcement agencies. Further, the JCITC would recommend the implementation of an accurate and secure centralized court reporting system for all courts in the state, and recommend legislation, rules, or regulations to enhance the overall efficiency of the judicial system and criminal reporting by law enforcement. The JCITC is required to give the Chairmen of the House and Senate Judiciary Committees an initial report no later than December 15, 2017. Further, the JCITC will recommend to the Supreme Court, changes to the court rules to implement the adoption of a centralized court reporting system.

The JCITC members are entitled to mileage, subsistence, and per diem as authorized by law for members of boards, committees, and commissions while in the performance of the duties for which they are appointed. These expenses shall be paid from the General Fund of the State on warrants duly signed by the chair of the oversight committee and payable by the authorities from which a member is appointed. Additionally, the JCITC may apply for and expend grants, gifts, or federal funds it receives from other sources to carry out its duties and responsibilities. Further, the JCITC may employ or retain other professional staff, upon the determination of the necessity for other staff by the JCITC. The JCITC may employ consultants to assist in the evaluations and, when necessary, the implementation of the recommendations report. Each member will receive per diem of \$35, subsistence of \$208.27, and mileage of \$0.58 per mile for each meeting on non-session days. These expenses will be managed within the budgets of the appointees' respective legislative bodies. Additionally, the staffing for this committee will be provided by the General Assembly and will be managed with existing staff and within existing appropriations. Therefore, the bill does not have an expenditure impact on the General Fund, Other Funds, or Federal Funds for the Senate or the House of Representatives.

Section 6. This bill mandates that a licensed firearm seller cannot sell a firearm unless the National Instant Criminal Background Check System (NICS) provides the licensed dealer with a unique identification number or five days have elapsed from the date the licensed dealer contacted NICS, and the NICS has not notified the licensed dealer that a sale or transfer to such person would violate state or federal law. This bill extends the amount of time a licensed seller

must wait to hear back from the NICS after contacting them from three days under federal law to five days. A person who violates these provisions is guilty of a Class A misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than \$1,000 or both.

Judicial Department. The department indicates there is no data available to determine if the number of hearings and trials would significantly increase or decrease the backlog of cases related to gun violations. However, any additional costs associated with additional hearings or trials would likely be managed within existing appropriations. Therefore, there will be no expenditure impact to the General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure

Sections 2 and 3. The bill adds reporting requirements on orders and convictions for magistrates and municipal judges identical to the ones required on general sessions courts.

State Law Enforcement Division. The department indicates that while magistrate and municipal judges currently do not send SLED disposition reports, the impact of receiving these additional reports will be minimal and can be absorbed within existing resources.

Judicial Department. The department indicates that the additional responsibilities of this bill regarding reports and reports on certain orders and convictions can be managed within existing appropriations.

The Revenue and Fiscal Affairs Office contacted twenty-three county governments and the Municipal Association of South Carolina (MASC) regarding the expenditure impact of this bill. Florence and Oconee counties indicate this bill will add significant cost because they would need to hire additional staff to interpret orders, process reports and send them to SLED within the ten day timeframe. Neither county provided amounts of funding needed to hire additional staff. Lancaster and Clarendon counties said this bill will have no expenditure impact since they currently transmit the orders and reports through court administration to SLED and can meet the shorter timeframe proposed in this bill with existing resources. Charleston County indicates the expenditure impact would be significant since the court reporting requirements would increase the work load and liability placed on clerks and paralegals to interpret orders and get them processed to SLED. Charleston estimates \$350,000 in total cost, which includes the hiring of five paralegals at a cost of \$60,000 each including fringe benefits, and \$50,000 in non-recurring costs for office space, furniture, and computers. Williamsburg County indicates there would be an additional cost of \$9,838 which includes fringe to pay for overtime for current staff to comply with the reporting requirements in this bill. The MASC did not respond.

Based on the survey results from the responding counties and the non-response from the Municipal Association, the statewide expenditure impact on county magistrate and municipal courts for the added reporting to SLED is undetermined due to the lack of responses and the wide range of estimated costs.

Section 4. This bill requires local law enforcement agencies to report to SLED within twenty-four hours: the filing of an incident report for each criminal case; the filing of an order of protection or restraining order; or any order or report relating to an incident of domestic violence; and any incident in which a person may be prohibited from obtaining or possessing a firearm by state or federal law.

Sheriffs' Association. The Sheriffs' Association indicates the law enforcement reporting requirements would have an undetermined expenditure impact since some local law enforcement agencies already report to SLED and others do not. For those that do not currently report to SLED, the cost to do so will vary depending on the number of reportable incidents. Therefore, the expenditure impact for local law enforcement agencies is undetermined.

Local Revenue

N/A



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