



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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<b>Bill Number:</b>	S. 0176	Amended by the Senate on January 30, 2019
<b>Author:</b>	Hembree	
<b>Subject:</b>	Death by Electrocution	
<b>Requestor:</b>	House Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	June 28, 2019	

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### **Fiscal Impact Summary**

This amended bill requires electrocution or firing squad to be the method of execution if a person waives the right of election. The bill adds that lethal injection must be available at the time of election, in order to be used as an execution method.

The South Carolina Department of Corrections indicates this bill will result in no expenditure impact on the General Fund, Other Funds, or Federal Funds.

### **Explanation of Fiscal Impact**

#### **Amended by the Senate on January 30, 2019**

##### **State Expenditure**

Current law requires persons sentenced to death to be executed by lethal injection, if they waive their right to elect the method of execution. This amended bill requires electrocution to be the method, if a person waives the right of election. The bill adds that lethal injection must be available at the time of election, in order to be used as an execution method.

In addition, the bill states the execution must be administered by electrocution or firing squad regardless of the method elected by the convicted person if the person waives his right of election as to the method of execution, the means for lethal injection is unavailable at the time of election, or lethal injection is found to be unconstitutional by an appellate court.

The bill also requires the Director of the South Carolina Department of Corrections (SCDC) to determine and certify by affidavit under penalty of perjury to the Supreme Court whether the method selected for execution by the convicted person is available. Additionally, a person convicted of a capital crime and sentenced to death by electrocution prior to the effective date of the aforementioned provisions must be executed by electrocution unless he elects in writing, 14 days prior to the execution date, to receive death by lethal injection (provided it is available) or firing squad. The convicted person must sign and date the declaration form, and the person's signature must be witnessed by two persons who are not inmates of the SCDC or under the supervision of the Director of SCDC. The form must be duly notarized and contain a certification signed by the witnesses that the convicted person's signature is free from coercion and is voluntarily given.

If death by lethal injection is determined and certified to be unavailable by the Director of SCDC or is held to be unconstitutional by appellate court, then the manner of execution must by

electrocution regardless of the method elected by the convicted person. SCDC must provide written notice to an inmate of his right of election.

The department reports that the drugs used for lethal injection are no longer readily available; as such, the department cannot access pricing with which to generate an estimate of costs related to the administration of lethal injections. However, the department expects any cost savings associated with changing the administration of the death penalty from lethal injection to electrocution to be negligible. There have been no executions in South Carolina since 2011.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

**Introduced on January 8, 2019**

**State Expenditure**

Current law requires persons sentenced to the death penalty to be executed by lethal injection, if they waive their right to elect the method of execution. This bill requires electrocution to be the method, if a person waives the right of election. The bill adds that lethal injection must be available at the time of election, in order to be used as an execution method.

In addition, the bill states the execution must be administered by electrocution regardless of the method elected by the convicted person if: 1) the person waives their right of election as to the method of execution, 2) the means for lethal injection is unavailable at the time of election, or 3) lethal injection is found to be unconstitutional by an appellate court.

The department reports that the drugs used for lethal injection are no longer readily available; as such, the department cannot access pricing with which to generate an estimate of costs related to the administration of lethal injections. However, the department expects any cost savings associated with changing the administration of the death penalty from lethal injection to electrocution to be negligible. There have been no executions in South Carolina since 2011.

The South Carolina Department of Corrections indicates this bill will result in no expenditure impact on the General Fund, Other Funds, or Federal Funds.

**State Revenue**

N/A

**Local Expenditure and Local Revenue**

N/A



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Frank A. Rainwater, Executive Director