



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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<b>Bill Number:</b>	S. 0194	Amended by Senate Judiciary on January 24, 2019
<b>Author:</b>	Shealy	
<b>Subject:</b>	Increase in Fines for the Solicitation of Prostitution	
<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**

The Judicial Department and Department of Corrections anticipate no additional expenditure impact on the General Fund, Federal Funds, or Other Funds since there will be no change in the prison population from this bill. The Judicial Department expects to manage any costs associated with increased caseloads using current General Fund resources.

The Commission on Prosecution Coordination and Commission on Indigent Defense anticipate no additional expenditure impact on the General Fund, Federal Funds, or Other Funds since this bill requires the agency to perform activities that will be conducted in the normal course of agency business.

The revenue impact on the General Fund, Other Funds, and local governments of this bill is undetermined, given the judicial discretion permitted in this bill in choosing the amount of fines, imprisonment, or both for these prostitution convictions.

### **Explanation of Fiscal Impact**

#### **Amended by Senate Judiciary on January 24, 2019**

##### **State Expenditure**

This amended bill increases fines for conviction of certain crimes related to prostitution. Generally, the bill increases the punishment for procuring or soliciting prostitution, causing or inducing a person to become a prostitute, establishing and keeping a house of prostitution, and transporting a person for the purposes of prostitution. The bill also establishes the affirmative defense of being a victim of human trafficking. Finally, the amended bill excludes all minors under the age of 18 years from being prosecuted pursuant to the provisions of the bill.

**Judicial Department.** This bill increases the penalties for solicitation of prostitution, establishing or keeping a brothel or house of prostitution, or causing or inducing another to participate in prostitution. In addition, it establishes an affirmative defense of being a victim of human trafficking and increases the penalties for soliciting, causing, or inducing another for or into prostitution when the prostitute has a mental disability. Prostitution and indecent exposure for purposes of prostitution or indecency will retain the existing penalty schedule, where a first offense is a misdemeanor triable in magistrate and municipal courts, and a second or subsequent offense will be heard in general sessions court. The bill also consolidates elements of the noted offenses to provide that all violations of combined statutes would be triable only in general sessions court. This would result in a decrease in the number of cases heard in magistrate and

municipal courts, as well as an increase in the number of cases heard in general sessions courts. The department expects to manage any costs associated with increased caseloads using current General Fund resources.

**Commission on Prosecution Coordination.** This 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.

**Commission on Indigent Defense.** This 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.

**Department of Corrections.** This bill increases the penalties for solicitation of prostitution, establishing or keeping a brothel or house of prostitution, or causing or inducing another to participate in prostitution. In addition, it establishes an affirmative defense of being a victim of human trafficking and increases the penalties for soliciting, causing, or inducing another for or into prostitution when the prostitute has a mental disability. As the bill clarifies language within existing statutes, it may result in additional arrests, convictions, and imprisonment of offenders at state correctional facilities. In FY 2018-19, there were only three people admitted to state correctional facilities for these offenses. As such, the department believes that any increase in the prison population resulting from enactment of the bill will not be substantial. Therefore, the department expects to manage any costs associated with an increase in the prison population using current General Fund resources.

#### **State Revenue**

This bill increases the punishment for conviction of certain crimes related to prostitution. The bill provides judges sentencing discretion including fines, imprisonment, or both. Revenue generated by the courts from fines, assessments, and surcharges imposed on persons convicted of prostitution activities would be distributed to the General Fund, specified state agencies and programs, and local governments in accordance with existing law. Given the judicial discretion permitted in this bill in choosing the amount of fines, imprisonment, or both for these prostitution convictions, we are unable to determine the revenue impact of this bill on the General Fund and Other Funds.

#### **Local Expenditure**

N/A

#### **Local Revenue**

The amount of local government revenue from fines, assessments, and surcharges imposed on persons convicted of prostitution activities is undetermined, given the judicial discretion permitted in this bill in choosing the amount of fines, imprisonment, or both for these prostitution convictions.

#### **Introduced on January 8, 2019**

#### **State Expenditure**

This bill increases fines for conviction of certain crimes related to prostitution. Generally, the bill increases the punishment for procuring or soliciting prostitution, causing or inducing a person to

become a prostitute, establishing and keeping a house of prostitution, and transporting a person for the purposes of prostitution. The bill also establishes the affirmative defense of being a victim of human trafficking.

**Judicial Department.** This bill increases the penalties for solicitation of prostitution, establishing or keeping a brothel or house of prostitution, or causing or inducing another to participate in prostitution. In addition, it establishes an affirmative defense of being a victim of human trafficking and increases the penalties for soliciting, causing, or inducing another for or into prostitution when the prostitute has a mental disability. Prostitution and indecent exposure for purposes of prostitution or indecency will retain the existing penalty schedule, where a first offense is a misdemeanor triable in magistrate and municipal courts, and a second or subsequent offense will be heard in general sessions court. The bill also consolidates elements of the noted offenses to provide that all violations of combined statutes would be triable only in general sessions court. This would result in a decrease in the number of cases heard in magistrate and municipal courts, as well as an increase in the number of cases heard in general sessions courts. The department expects to manage any costs associated with increased caseloads using current General Fund resources.

**Commission on Prosecution Coordination.** This 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.

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Frank A. Rainwater, Executive Director