



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0640 Introduced on March 12, 2019
Author: Malloy
Subject: Clerk of Court Reporting Dispositions of Cases
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: April 24, 2019 Updated for Additional Agency Response

Fiscal Impact Summary

This bill establishes new timeframes within which courts, certain judges, and law enforcement agencies must notify the State Law Enforcement Division (SLED) of the disposition of specific types of cases.

The Judicial Department indicates that responsibilities required by this bill will be handled within their current resources and is not expected to have an expenditure impact on the department.

SLED reports the implementation of this bill will be handled by the agency's existing personnel and not result in any expenditure to the General Fund, Other Funds, or Federal Funds.

Of the counties and municipal organizations surveyed, Clarendon, Florence, Horry, and Lancaster Counties provided responses on the expected expenditure impact of the bill. All parties report the bill is expected to have no expenditure impact on county or municipal governments. Charleston County anticipates they will need to hire additional staff in order to meet the requirements of this bill. However, they were not able to provide an exact estimate of the impact and are currently reviewing the bill.

This expenditure impact has been updated following a response from SLED.

Explanation of Fiscal Impact

Updated for Additional Agency Response on April 24, 2019

Introduced on March 12, 2019

State Expenditure

This bill establishes new timeframes within which courts, certain judges, and law enforcement agencies must notify SLED of the disposition of specific types of cases. Clerks of court in general sessions, magistrates, and municipal courts must report the disposition of each case to SLED within 10 days of disposition. These same parties must also notify SLED within 48 hours of the issuance of any restraining order; order of protection; order preventing a person from possessing a firearm; conviction or order issued to prevent acts of domestic violence; order issued related to stalking, intimidation, or harassment; or order for bond with any related limitations. Law enforcement agencies must report to SLED within 24 hours the filing of an incident report for each criminal case; the filing of an order of protection, restraining order, or

any order or report related to a domestic violence incident; or any incident in which a person may be prohibited from obtaining or purchasing a firearm by state or federal law. The reporting requirements will commence on July 1, 2020.

The bill also establishes an 8-member Judicial Criminal Information Technology Committee. Committee members will serve 3-year terms and may be reappointed, and they must meet at least annually. The committee is tasked with assessing technology and funding needs of the judicial system and state and local law enforcement agencies to ensure that a centralized court reporting system with specific reporting deadlines is established. Committee members will receive mileage, subsistence, and per diem as allowed under state law but may also apply for or expend any grants, gifts, or federal funds to fulfill required duties. By December 15, 2019, the committee must provide to the Chairmen of the House of Representatives and the Senate Judiciary Committees an initial report of findings.

Judicial Department. This bill requires every clerk of court, which includes general sessions, magistrate, and municipal courts, to report case dispositions to SLED within 10 days. In addition, those same courts must report within 48 hours the issuance of a restraining order, order of protection, order for the prevention of possession of a firearm, convictions or orders related to domestic violence, orders related to stalking, intimidation, harassment, and related bond orders. The bill will also impose reporting requirements upon law enforcement agencies and will create the Judicial Criminal Information Technology Committee. The department reports that it, along with counties and municipalities, may incur a cost associated with shortened reporting deadlines. The department expects to manage any increase in costs using existing General Fund resources.

South Carolina Law Enforcement Division. The agency reports the implementation of this bill will be handled by the agency's existing personnel and not result in any expenditure to the General Fund, Other Funds, or Federal Funds. This fiscal impact has been updated following a response from the agency.

State Revenue

N/A

Local Expenditure

Of the counties and municipal organizations surveyed, Clarendon, Florence, Horry, and Lancaster Counties provided responses on the expected expenditure impact of the bill. All parties report the bill is expected to have no expenditure impact on county or municipal governments. Charleston County anticipates they will need to hire additional staff in order to meet the requirements of this bill. However, they were not able to provide an exact estimate of the impact and are currently reviewing the bill.

Local Revenue

N/A

Introduced on March 12, 2019

State Expenditure

This bill establishes new timeframes within which courts, certain judges, and law enforcement agencies must notify the State Law Enforcement Division (SLED) of the disposition of specific types of cases. Clerks of court in general sessions, magistrates, and municipal courts must report the disposition of each case to SLED within 10 days of disposition. These same parties must also notify SLED within 48 hours of the issuance of any restraining order; order of protection; order preventing a person from possessing a firearm; conviction or order issued to prevent acts of domestic violence; order issued related to stalking, intimidation, or harassment; or order for bond with any related limitations. Law enforcement agencies must report to SLED within 24 hours the filing of an incident report for each criminal case; the filing of an order of protection, restraining order, or any order or report related to a domestic violence incident; or any incident in which a person may be prohibited from obtaining or purchasing a firearm by state or federal law. The reporting requirements will commence on July 1, 2020.

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South Carolina Law Enforcement Division. A determination of the bill's fiscal impact is pending, as the agency is still reviewing the bill.

State Revenue

N/A

Local Expenditure

Of the counties and municipal organizations surveyed, Clarendon, Florence, Horry, and Lancaster Counties provided responses on the expected expenditure impact of the bill. All parties report the bill is expected to have no expenditure impact on county or municipal governments. Charleston County anticipates they will need to hire additional staff in order to meet the requirements of this bill. However, they were not able to provide an exact estimate of the impact and are currently reviewing the bill.

Local Revenue

N/A



Frank A. Rainwater, Executive Director