



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0983 Introduced on January 14, 2020
Author: Rankin
Subject: Judgment Executions
Requestor: Senate Judiciary
RFA Analyst(s): Miller
Impact Date: January 30, 2020

Fiscal Impact Summary

This bill is not expected to impact expenditures for the Judicial Department because any additional proceedings are expected to be minimal and can be managed within existing appropriations.

This bill will not have a local fiscal impact because any anticipated additional writs of execution are expected to be minimal and can be managed with existing staff and within existing funds.

Explanation of Fiscal Impact

Introduced on January 14, 2020

State Expenditure

This bill allows a writ of execution on a final judgment to be issued beyond the ten-year period after the entry for judgment when the judgment creditor has commenced proceedings for a discovery of property within the ten-year period and, as a result of discovery action, brought an action and received final judgment to set aside a debtor's fraudulent transfer of property. A writ of execution is a judicial order that a prior judgment is to be enforced. Currently, a writ of execution on a final judgment must be issued within the ten-year period after the entry for judgment. This bill may result in additional court proceedings for those cases that meet the specific criteria discussed above to allow an extension beyond the normal ten-year execution limitation. However, these instances are expected to be minimal, and managing proceedings is within the normal course of business for the courts. Therefore, this bill is not expected to impact expenditures.

State Revenue

N/A

Local Expenditure

This bill may result in a few additional writs of execution to enforce the collection of property. Writs of execution are issued to the sheriff's office in the county where the property is located. Therefore, this bill may result in additional work for the local sheriff's office. However, it is anticipated any additional writs of execution will be minimal, and can be managed with existing staff and within existing funds. Therefore, this bill will have no local expenditure impact.

Local Revenue

N/A



Frank A. Rainwater, Executive Director