



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	H. 3755	Amended by House Judiciary on February 24, 2021
Author:	Murphy	
Subject:	Death by Electrocution or Lethal Injection	
Requestor:	House Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	March 2, 2021	

Fiscal Impact Summary

This bill enables the South Carolina Department of Corrections to administer the death penalty via electrocution when drugs used for lethal injection are unavailable and the convict waives his right of election as to the method of death. The bill is expected to have no expenditure impact on the General Fund, Other Funds, or Federal Funds since death penalty executions in South Carolina are rare.

Explanation of Fiscal Impact

Amended by House Judiciary on February 24, 2021

State Expenditure

This bill, as amended, provides that a person who has been convicted of a capital crime and given the death penalty may choose as his means of death as electrocution or, if it is available at the time of election, lethal injection. The director of the South Carolina Department of Corrections (SCDC) must determine and certify under penalty of perjury to the Supreme Court whether the method selected is available. However, should the convict waive his right of election as to the method of death, or should he choose lethal injection as his method of death but it is deemed unavailable, SCDC may administer the death penalty via electrocution. The bill also provides that the death penalty election of a convicted person who receives a stay of execution or whose execution date has passed will expire and must be renewed in writing fourteen days before a new execution date is established. In addition, the amendment alters a reporting requirement and adds a severability clause. The bill would take effect upon approval by the Governor.

Department of Corrections. This bill requires that a person in South Carolina who is convicted of a capital crime and sentenced to death may opt to receive death by electrocution or, when the appropriate drugs are available, death by lethal injection. If the convict waives the right of election as to the method of death, the penalty must be administered by electrocution.

As the drugs used for lethal injections are no longer readily available, general pricing for these drugs cannot be obtained; this renders the department unable to generate an estimate of cost savings that may be realized by the implementation of the bill. However, as there have been no death row executions in South Carolina since 2011, the department estimates the cost savings

associated with administering death by electrocution versus death by lethal injection to be negligible.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

Introduced on January 27, 2021

State Expenditure

This bill provides that a person who has been convicted of a capital crime and given the death penalty may choose as his means of death as electrocution or, if it is available at the time of election, lethal injection. However, should the convict waive his right of election as to the method of death, the South Carolina Department of Corrections (SCDC) may administer the death penalty via electrocution. The bill also provides that the death penalty election of a convicted person who receives a stay of execution or whose execution date has passed will expire and must be renewed in writing fourteen days before a new execution date is established. The director of the South Carolina Department of Corrections (SCDC) must determine and certify under penalty of perjury to the Supreme Court whether the method selected is available. Persons convicted of a capital crime and sentenced to death prior to the effective date of the bill will be required to sign and date a form that must be witnessed by two persons not in the custody of SCDC and must be notarized.

Department of Corrections. This bill requires that a person in South Carolina who is convicted of a capital crime and sentenced to death may opt to receive death by electrocution or, when the appropriate drugs are available, death by lethal injection. If the convict waives the right of election as to the method of death, the penalty must be administered by electrocution.

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State Revenue

N/A

Local Expenditure and Local Revenue



Frank A. Rainwater, Executive Director