



**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.*

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<b>Bill Number:</b>	S. 0069	Introduced on January 12, 2021
<b>Author:</b>	Malloy	
<b>Subject:</b>	Time Served by Prisoners	
<b>Requestor:</b>	Senate	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	March 12, 2021	

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### **Fiscal Impact Summary**

This bill, which provides that prisoners must be given two days of credit for every one day served in custody prior to trial and sentencing, will have no expenditure impact on the General Fund, Other Funds, or Federal Funds of the South Carolina Department of Corrections (SCDC) since it will reduce the average daily population of inmates. With the reduction in the inmate population over time, SCDC expects to see a decrease in annual General Fund expenditures of \$16,666,800 by year one, \$43,529,760 by year ten, \$49,779,810 by year twenty, and \$52,990,620 by year fifty.

The Judicial Department anticipates the bill will have no expenditure impact, in that the agency can manage any increase in general sessions court caseloads using existing General Fund resources.

### **Explanation of Fiscal Impact**

#### **Introduced on January 12, 2021**

##### **State Expenditure**

This bill increases service credit for prisoners sentenced by a court of the State to two days of credit for every one day they have served in custody prior to trial and sentencing. This method of computing credit for time served does not apply in cases where the prisoner is an escapee from another penal institution or when the prisoner is serving a sentence for one offense and is awaiting trial and sentencing for a second offense.

**Judicial Department.** This bill changes the current method of computation for time served by a prisoner while he is in custody prior to trial and sentencing. As this is a new method for calculating time served, there is no available data to estimate what impact the bill may have on the number of hearings initiated in general sessions courts. The department expects to manage any increase in general sessions court caseloads using existing General Fund resources.

**Department of Corrections.** This bill provides that prisoners must be given two days of credit for every one day served in custody prior to trial and sentencing. Presuming that judges do not alter sentencing patterns due to the application of additional jail time credit, and provided that the additional jail time credit is equivalent to actual time served in all sentence calculations

(including credit for good conduct, parole eligibility, and mandatory service requirements), the bill will result in a reduction in General Fund expenditures. The department believes the provisions of the bill are prospective and will apply only to future admissions. As of February 2, 2021, there were 15,568 inmates serving in South Carolina prisons. However, for purposes of the calculations included below, the department is relying on FY 2019-20 prison admissions so as to avoid any skew that may have been caused by the arrival of COVID-19 in March 2020.

In FY 2019-20, there were 4,735 prison inmates who had jail time credits. Using this population figure, and provided that all other factors remain constant, the department projects that during the first year of the bill's implementation, the prison population will be reduced by 680 inmates, saving \$16,666,800 in General Fund appropriations. The number of inmates who would receive additional jail time credit each year will increase to a maximum of 2,162 in the forty-eighth year of the bill's implementation and will remain steady in the years beyond, which will result in annual cost savings of \$52,990,620. Annual General Fund cost savings that will be achieved during milestone years after the bill's implementation are as follows: year ten - \$43,529,760; year twenty - \$49,779,810; and year fifty - \$52,990,620. These figures can be seen in the table below. Should the reduction of the prison population provided for under the bill warrant the closure of existing prison facilities over time, additional cost savings could be realized.

<b>Cost Avoidance for Doubling Jail Time Credits*</b>				
*Based on FY 2019 New Admissions Who Were Admitted with Jail Credits and FY 2020 Costs; Assuming Implementation on July 1, 2022; Steady State Achieved at Year 48				
<i>FY 2019 Admissions Used Due to COVID-19's Impact on FY 2020 Admissions</i>				
<b>Years After Implementation</b>	<b>Fiscal Year</b>	<b>Change in Population</b>	<b>Total Cost</b>	<b>Cumulative Total Cost</b>
1	2022	-680	-\$16,666,800	-\$16,666,800
2	2023	-1,062	-\$26,029,620	-\$42,696,420
3	2024	-1,252	-\$30,686,520	-\$73,382,940
4	2025	-1,377	-\$33,750,270	-\$107,133,210
5	2026	-1,478	-\$36,225,780	-\$143,358,990
6	2027	-1,548	-\$37,941,480	-\$181,300,470
7	2028	-1,623	-\$39,779,730	-\$221,080,200
8	2029	-1,685	-\$41,299,350	-\$262,379,550
9	2030	-1,738	-\$42,598,380	-\$304,977,930
10	2031	-1,776	-\$43,529,760	-\$348,507,690
11	2032	-1,819	-\$44,583,690	-\$393,091,380
12	2033	-1,869	-\$45,809,190	-\$438,900,570
13	2034	-1,892	-\$46,372,920	-\$485,273,490
14	2035	-1,910	-\$46,814,100	-\$532,087,590
15	2036	-1,933	-\$47,377,830	-\$579,465,420
16	2037	-1,951	-\$47,819,010	-\$627,284,430
17	2038	-1,961	-\$48,064,110	-\$675,348,540
18	2039	-1,975	-\$48,407,250	-\$723,755,790
19	2040	-2,004	-\$49,118,040	-\$772,873,830
20	2041	-2,031	-\$49,779,810	-\$822,653,640

Years After Implementation	Fiscal Year	Change in Population	Total Cost	Cumulative Total Cost
21	2042	-2,046	-\$50,147,460	-\$872,801,100
22	2043	-2,062	-\$50,539,620	-\$923,340,720
23	2044	-2,083	-\$51,054,330	-\$974,395,050
24	2045	-2,100	-\$51,471,000	-\$1,025,866,050
25	2046	-2,106	-\$51,618,060	-\$1,077,484,110
26	2047	-2,112	-\$51,765,120	-\$1,129,249,230
27	2048	-2,118	-\$51,912,180	-\$1,181,161,410
28	2049	-2,122	-\$52,010,220	-\$1,233,171,630
29	2050	-2,126	-\$52,108,260	-\$1,285,279,890
30	2051	-2,130	-\$52,206,300	-\$1,337,486,190
31	2052	-2,135	-\$52,328,850	-\$1,389,815,040
32	2053	-2,142	-\$52,500,420	-\$1,442,315,460
33	2054	-2,147	-\$52,622,970	-\$1,494,938,430
34	2055	-2,149	-\$52,671,990	-\$1,547,610,420
35	2056	-2,149	-\$52,671,990	-\$1,600,282,410
36	2057	-2,149	-\$52,671,990	-\$1,652,954,400
37	2058	-2,149	-\$52,671,990	-\$1,705,626,390
38	2059	-2,150	-\$52,696,500	-\$1,758,322,890
39	2060	-2,152	-\$52,745,520	-\$1,811,068,410
40	2061	-2,155	-\$52,819,050	-\$1,863,887,460
41	2062	-2,157	-\$52,868,070	-\$1,916,755,530
42	2063	-2,158	-\$52,892,580	-\$1,969,648,110
43	2064	-2,158	-\$52,892,580	-\$2,022,540,690
44	2065	-2,159	-\$52,917,090	-\$2,075,457,780
45	2066	-2,159	-\$52,917,090	-\$2,128,374,870
46	2067	-2,160	-\$52,941,600	-\$2,181,316,470
47	2068	-2,161	-\$52,966,110	-\$2,234,282,580
48	2069	-2,162	-\$52,990,620	-\$2,287,273,200
49	2070	-2,162	-\$52,990,620	-\$2,340,263,820
50	2071	-2,162	-\$52,990,620	-\$2,393,254,440

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

Frank A. Rainwater, Executive Director