



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: S. 0197 Introduced on January 12, 2021
Author: Hembree
Subject: Drug-Induced Homicide
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: March 22, 2022 Updated for Additional Agency Response

Fiscal Impact Summary

This bill classifies the unlawful delivery of a controlled substance to a person who dies after injection, inhalation, absorption, or ingestion of any amount of the substance a drug-induced homicide.

Judicial, the Commission on Prosecution Coordination (PCC), the Commission on Indigent Defense, and Department of Juvenile Justice (DJJ) report that the implementation of this bill will have no expenditure impact, as the agencies expect to absorb any additional expenditure within existing appropriations.

The Department of Corrections (DOC) indicates that the potential increase in incarcerations is unknown, and therefore, the impact of this bill on the General Fund is undetermined.

RFA anticipates this bill may result in an undetermined impact to General Fund revenue, Other Funds revenue, and local revenue due to the potential increase in fines and fees collections in court.

This fiscal impact has been updated to include a response from DOC.

Explanation of Fiscal Impact

Updated for Additional Agency Response on March 22, 2022
Introduced on January 12, 2021

State Expenditure

This bill provides that a person who unlawfully delivers a controlled substance to a recipient who dies after injection, inhalation, absorption, or ingestion of any amount of the substance is guilty of the felony act of drug-induced homicide. A conviction for this offense is punishable by imprisonment for not more than thirty years nor less than two years and a fine between \$10,000 and \$50,000. Court fines and fees are distributed to various law enforcement agencies using the General Fund and Other Funds by the State Treasurer.

Judicial. This bill creates the offense of drug-induced homicide. This bill may alter the number of cases or the duration of cases heard in court. However, Judicial intends to use existing General

Fund resources to manage any modification in caseloads. Therefore, this bill will have no expenditure impact for Judicial.

Commission on Prosecution Coordination. As this bill does not require PCC to perform activities that fall outside of the scope of normal agency business, it will have no expenditure impact.

Commission on Indigent Defense. As this bill does not require Indigent Defense to perform activities that fall outside of the scope of normal agency business, it will have no expenditure impact.

Department of Juvenile Justice. As this bill does not require DJJ to perform activities that fall outside of the scope of normal agency business, it will have no expenditure impact.

Department of Corrections. The department reports that because the bill creates a new offense with a substantial imprisonment penalty, it has the potential to increase General Fund expenditures due to increased prison admissions and or sentence lengths. Additionally, the average annual General Fund expenditure to house an inmate in FY 2021-22 totals \$3,421. However, due to the lack of empirical data, including information on the patterns of arrests, convictions, and judicial discretion in sentencing, the impact of this bill on the General Fund is undetermined.

This section of the fiscal impact statement has been updated to include a response from DOC.

State Revenue

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds and local funds by the State Treasurer's Office. Therefore, RFA anticipates this bill may result in an undetermined impact to General Fund revenue, Other Funds revenue, and local revenue due to the modifications in fines and fees collections in court.

Local Expenditure

N/A

Local Revenue

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Department of Corrections. A determination of the bill's fiscal impact is pending, as the agency is still reviewing the bill.

State Revenue

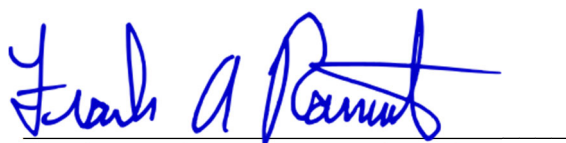
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Frank A. Rainwater, Executive Director