



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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| Bill Number: | S. 0200 | Amended by House Judiciary on April 27, 2021 |
| Author: | Hembree | |
| Subject: | Death by Electrocution or Lethal Injection | |
| Requestor: | House Judiciary | |
| RFA Analyst(s): | Gardner | |
| Impact Date: | April 30, 2021 Updated for Additional Agency Response | |

Fiscal Impact Summary

This bill enables the South Carolina Department of Corrections to administer the death penalty via electrocution or firing squad when the convict waives his right of election as to the method of death or when the drugs used for lethal injection are unavailable or are held to be unconstitutional. 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 April 27, 2021

Introduced on January 12, 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, or should execution by lethal injection be unavailable or held to be unconstitutional, the South Carolina Department of Corrections (SCDC) may administer the death penalty via electrocution unless the convicted person elects death by firing squad. 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.

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 12, 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 electrocution or, if it is available at the time of election, lethal injection. 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. The expenditure impact of this bill is pending, contingent upon a response from the department.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

Updated for Additional Agency Response

Introduced on January 12, 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.

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State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

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Department of Corrections. The expenditure impact of this bill is pending, contingent upon a response from the department.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director