



**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. 0471	Introduced on January 14, 2021
<b>Author:</b>	Rankin	
<b>Subject:</b>	Jury Voir Dire	
<b>Requestor:</b>	Senate Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	March 22, 2022	Updated for Additional Agency Response

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### **Fiscal Impact Summary**

This bill modifies the jury selection process for the court of common pleas and equity courts.

The bill may extend common pleas court docket times and the time each party spends in preparation for a jury trial. Judicial, the Commission on Prosecution Coordination (CPC), the Commission on Indigent Defense, and the Office of the Attorney General intend to use existing General Fund resources to manage any increase in costs resulting from implementation of the bill.

Revenue and Fiscal Affairs (RFA) anticipates any additional activities within equity courts will be minimal and can be managed with existing staff and within existing funds. Therefore, this bill will have no local expenditure impact.

*This impact statement has been updated to include a response from the Office of the Attorney General.*

### **Explanation of Fiscal Impact**

**Updated for Additional Agency Response on March 22, 2022**

**Introduced on January 21, 2021**

#### **State Expenditure**

This bill modifies the jury selection process in the court of common pleas and equity courts. Currently, the judge questions the potential jurors in order to determine their ability to serve as a juror; this questioning process is known as voir dire. After voir dire, a list of twenty jurors is randomly drawn from the remaining potential jurors to create a jury panel, from which the parties may alternatively strike jurors until twelve remain.

This bill allows the judge to determine the number of jurors that will be on the jury panel and grants the parties the right to conduct voir dire. If the parties wish to conduct voir dire, they must exchange written questions at least seven days prior to selection of the jury. The trial judge will rule on any objections to the questions and will present final approval of the questions. Each party will be given 30 minutes to ask questions, but this time limit may be extended by the judge under certain circumstances. The bill also outlines questions which may not be asked of the

potential jurors during voir dire. The effective date of this bill is January 1, 2022. RFA anticipates the modified jury selection process required by this bill will begin after enactment of this bill.

In addition, the bill enables a trial judge to determine the number of jurors in a secondary jury panel, whereas currently the secondary jury panel consist of twenty jurors.

**Judicial.** This bill modifies the manner in which a jury selection is made in courts of common pleas and equity cases. Judicial indicates that these changes may lengthen the jury selection process, which could impact the court docket. However, Judicial states there is no data to estimate the number of hearings that would be impacted nor the extra docket time that may be needed due to this bill. Despite this, Judicial anticipates being able to cover any additional expenditures in the court of common pleas with existing General Fund resources. Therefore, this bill will have no expenditure impact for Judicial.

**Commission on Prosecution Coordination.** This bill may result in more allocated time per case brought before a jury in the court of common pleas or an equity court if the parties choose to participate in voir dire. CPC anticipates being able to manage these additional responsibilities within existing appropriations. Therefore, this bill will have no expenditure impact for the department.

**Commission on Indigent Defense.** This bill may result in more allocated time per case brought before a jury in the court of common pleas or an equity court if the parties choose to participate in voir dire. The implementation of this bill will have no expenditure impact, as the department expects to manage any increase in the workload within current resources.

**Attorney General.** This bill modifies the manner in which a jury selection is made in courts of common pleas and equity cases. The bill requires the agency to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact.

#### **State Revenue**

N/A

#### **Local Expenditure**

This bill lengthens the jury selection process which may result in additional docket time within equity courts. However, there is no data upon which to predict the number of hearings that would be impacted should the bill be enacted, nor the extra docket time that these hearings might require. Despite this, RFA anticipates any additional activities 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

## **Introduced on January 21, 2021**

### **State Expenditure**

This bill modifies the jury selection process in the court of common pleas and equity courts. Currently, the judge questions the potential jurors in order to determine their ability to serve as a juror, this questioning process is known as voir dire. After voir dire, a list of twenty jurors is randomly drawn from the remaining potential jurors to create a jury panel, from which the parties may alternatively strike jurors until twelve remain.

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In addition, the bill enables a trial judge to determine the number of jurors in a secondary jury panel, whereas currently the secondary jury panel consist of twenty jurors.

**Judicial.** This bill modifies the manner in which a jury selection is made in courts of common pleas and equity cases. Judicial indicates that these changes may lengthen the jury selection process, which could impact the court docket. However, Judicial states there is no data to estimate the number of hearings that would be impacted nor the extra docket time that may be needed due to this bill. Despite this, Judicial anticipates being able to cover any additional expenditures in the court of common pleas with existing General Fund resources. Therefore, this bill will have no expenditure impact for Judicial.

**Commission on Prosecution Coordination.** This bill may result in more allocated time per case brought before a jury in the court of common pleas or an equity court if the parties choose to participate in voir dire. CPC anticipates being able to manage these additional responsibilities within existing appropriations. Therefore, this bill will have no expenditure impact for the department.

**Commission on Indigent Defense.** This bill may result in more allocated time per case brought before a jury in the court of common pleas or an equity court if the parties choose to participate in voir dire. The implementation of this bill will have no expenditure impact, as the department expects to manage any increase in the workload within current resources.

**Attorney General.** The expenditure impact is pending, contingent upon a response from the agency.

### **State Revenue**

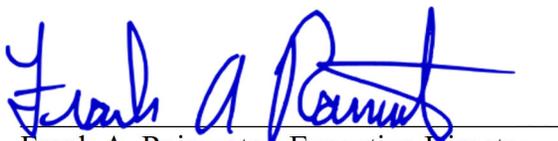
N/A

**Local Expenditure**

This bill lengthens the jury selection process which may result in additional docket time within equity courts. However, there is no data upon which to predict the number of hearings that would be impacted should the bill be enacted, nor the extra docket time that these hearings might require. Despite this, RFA anticipates any additional activities 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