



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. 0659 | Introduced on March 11, 2021 |
| Author: | Shealy | |
| Subject: | Sexually Violent Predators Act | |
| Requestor: | Senate Judiciary | |
| RFA Analyst(s): | Boggs | |
| Impact Date: | March 16, 2022 | Updated for Additional Agency Response |

Fiscal Impact Summary

This bill amends code relating to the Sexually Violent Predators Act in regards to the parole, release, and commitment procedures for persons convicted of sexually violent offenses. Further, it defines sexually violent predator and establishes procedures for those persons.

This bill will have no expenditure impact on the Commission on Prosecution Coordination (PCC), the Department of Probation, Parole and Pardon Services (DPPPS), the Department of Mental Health (DMH), the Department of Juvenile Justice (DJJ), Judicial, or the Department of Corrections (Corrections). PCC, DPPS, DJJ, Corrections, and Judicial anticipate that any additional responsibilities can be managed with existing staff and within existing appropriations. PCC does not handle Sexually Violent Predator Act cases. DMH stated that their current practices already follow the requirements of this bill.

This bill may have an undetermined General Fund expenditure impact for the Commission on Indigent Defense (CID), dependent upon whether there is any significant increase in their caseload.

The Revenue and Fiscal Affairs Office (RFA) anticipates this bill will have no local expenditure impact, based on the response received from Chesterfield County.

Due to increased caseload, the Attorney General's Office indicates the need for \$117,000 in recurring General Fund expenses to hire an additional FTE.

This fiscal impact statement has been updated to include a response from the Attorney General's Office.

Explanation of Fiscal Impact

Updated for Additional Agency Response on March 16, 2022
Introduced on March 11, 2021

State Expenditure

This bill amends the Sexually Violent Predators Act in regards to the parole, release, and commitment procedures for persons convicted of sexually violent offenses. Further, it defines whether or not a person meets the definition of a sexually violent predator and establishes

procedures for those persons. Additionally, it defines new terms and provides for supervised re-entry.

This bill will have no expenditure impact on PCC, DPPPS, DMH, DJJ, Judicial, or Corrections. PCC, DPPPS, DJJ, Corrections and Judicial anticipate that any additional responsibilities can be managed with existing staff and within existing appropriations. PCC does not handle Sexually Violent Predator Act cases. DMH stated that their current practices already follow the requirements of this bill.

Commission on Indigent Defense. CID is responsible for establishing and monitoring programs and services for legal representation to indigent defendants charged with criminal offenses in the courts of the state. CID has determined that the bill will have an expenditure impact to the agency. The bill could result in the need for additional staff, office space, additional equipment, and other costs associated with additional caseloads. However, at this time the agency is unable to determine what costs may incur as there is no empirical data on the number of new caseloads. Therefore, this bill will result in an undetermined General Fund increase for CID.

Attorney General's Office. The Legal Services Division of the Office of the Attorney General handles a variety of non-criminal matters on behalf of the state. Along with the sixteen Circuit solicitors, the Attorney General is responsible for the prosecution of all criminal matters within the South Carolina judicial system. The Attorney General's Office is unable to estimate the impact this bill will have on caseload. However, they anticipate that, with a set procedure, the number of petitions will increase. The Attorney General's Office reports needing one additional full-time attorney to handle the anticipated increase in caseload. The agency reports that they will not be able to absorb the cost and will require an additional \$117,000 in recurring General Funds.

This fiscal impact statement has been updated to include a response from the Attorney General's Office.

State Revenue

N/A

Local Expenditure

RFA contacted twenty-three county governments regarding the expenditure impact of this bill as it pertains to local Clerks of Courts and Registers of Deeds. Chesterfield County responded, stating that this bill would have no impact to the county. Based on the response received from Chesterfield County, RFA anticipates this bill will have no expenditure impact for locals. This fiscal impact statement will be updated if additional local responses are provided.

Local Revenue

N/A

Introduced on March 11, 2021

State Expenditure

This bill amends the Sexually Violent Predators Act in regards to the parole, release, and commitment procedures for persons convicted of sexually violent offenses. Further, it defines whether or not a person meets the definition of a sexually violent predator and establishes procedures for those persons. Additionally, it defines new terms and provides for supervised re-entry.

This bill will have no expenditure impact on the Commission on Prosecution Coordination (PCC), the Department of Probation, Parole and Pardon Services (DPPPS), the Department of Mental Health (DMH), the Department of Juvenile Justice (DJJ), Judicial, or the Department of Corrections (Corrections). PCC, DPPS, DJJ, Corrections and Judicial anticipate that any additional responsibilities can be managed with existing staff and within existing appropriations. PCC does not handle Sexually Violent Predator Act cases. DMH stated that their current practices already follow the requirements of this bill.

Commission on Indigent Defense. CID is responsible for establishing and monitoring programs and services for legal representation to indigent defendants charged with criminal offenses in the courts of the state. CID has determined that the bill will have an expenditure impact to the agency. The bill could result in the need for additional staff, office space, additional equipment, and other costs associated with additional caseloads. However, at this time the agency is unable to determine what costs may incur as there is no empirical data on the number of new caseloads. Therefore, this bill will result in an undetermined General Fund increase for CID.

Attorney General's Office. The Legal Services Division of the Office of the Attorney General handles a variety of non-criminal matters on behalf of the state. Along with the sixteen Circuit Solicitors, the Attorney General is responsible for the prosecution of all criminal matters within the South Carolina judicial system. The expenditure impact of this bill is pending, contingent on a response from the Attorney General's Office.

State Revenue

N/A

Local Expenditure

RFA contacted twenty-three county governments regarding the expenditure impact of this bill as it pertains to local Clerks of Courts and Registers of Deeds. Chesterfield County responded, stating that this bill would have no impact to the county. Based on the response received from Chesterfield County, RFA anticipates this bill will have no expenditure impact for locals. This fiscal impact statement will be updated if additional local responses are provided.

Local Revenue

N/A



Frank A. Rainwater, Executive Director