



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
**(803)734-3780 • RFA.SC.GOV/IMPACTS**

---

*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. 0686      Introduced on March 23, 2021  
**Author:** Shealy  
**Subject:** Sexual Assault Survivors' Bill of Rights Act  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** March 24, 2022

---

### **Fiscal Impact Summary**

This bill creates the “Sexual Assault Survivors’ Bill of Rights Act” to provide survivors with privileged communication, access to forensic testing results, and protection from the defendant during court proceedings.

This bill does not require Judicial, the Commission on Indigent Defense, and the State Law Enforcement Division (SLED) to perform duties outside of the normal scope of business operations. As such, the bill will have no expenditure impact on either agency.

Revenue and Fiscal Affairs (RFA) anticipates that any additional local government expenditure impact will be absorbed within existing resources.

The expenditure impact is pending, contingent upon a response from the Office of the Attorney General and the Commission on Prosecution Coordination.

### **Explanation of Fiscal Impact**

#### **Introduced on March 23, 2021**

##### **State Expenditure**

This bill enacts the “Sexual Assault Survivors’ Bill of Rights Act” which defines terms, provides a survivor the right to have a victim advocate or an attorney present during a medical examination, allows privileged communications with a survivor and any person assisting the survivor to overcome the sexual assault, and allows the survivor to be reasonably protected from the defendant during court proceedings. The bill also allows the survivor to be informed of the results of forensic testing results and to have access to complete copies of all law enforcement reports concerning the sexual assault.

**Judicial.** This bill enacts the “Sexual Assault Survivors’ Bill of Rights Act” which provides certain rights to a survivor of sexual assault. Judicial reports there is no data available to estimate the number of filings, hearings, or trials in general sessions or magistrate and municipal courts that may be impacted as a result. However, the chart below reflects the number of total filings in FY 2020-21. It is anticipated that the bill will have minimal impact on Judicial and any expenditure can be absorbed by the agency’s General Fund resources.

<b>CDR Code</b>	<b>Description</b>	<b>Filed in FY 20-21</b>
160	Sex / Criminal sexual conduct - First degree	147
161	Sex / Criminal sexual conduct - Second degree	34
162	Sex / Criminal sexual conduct - Third degree	154
253	Sex / Assault with intent to commit criminal sexual conduct - First degree	19
254	Sex / Assault with intent to commit criminal sexual conduct - Second degree	6
255	Sex / Assault with intent to commit criminal sexual conduct - Third degree	27
385	Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree	368
386	Sex / Criminal sexual conduct where victim is legal spouse, separated - First degree	1
396	Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.	387
397	Sex / Criminal sexual conduct with minor, or Attempt - victim under 16 years of age - Second degree	148
398	Sex / Criminal sexual conduct where victim is legal spouse, separated - Second degree	0
412	Sex / Spousal sexual battery	6
3022	Sex / Criminal sexual conduct with minor - victim under 16 years of age and offender w/previous record under 23-03-0430(c) or (d), sex offender registry	16
3463	Sex / Sexual battery with a student 16 or 17 years of age, no aggravated force or coercion	8
3464	Sex / Sexual battery with a student 18 years of age or older, no aggravated force or coercion	0
3465	Sex / Sexual battery with a student 18 years of age or older where there is direct supervisory authority, no aggravated force or coercion	0
3661	Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor over 14 yrs)	422

**Office of the Attorney General.** A determination of the bill's impact is pending, as the agency is still reviewing the bill.

**Commission on Prosecution Coordination.** A determination of the bill's impact is pending, as the agency is still reviewing the bill.

**Commission on Indigent Defense.** This bill requires the agency to perform activities that will be conducted in the normal course of agency business. As a result, the bill will have no expenditure impact for the Commission on Indigent Defense.

**South Carolina Law Enforcement Division.** This bill requires the agency to perform activities that will be conducted in the normal course of agency business. As a result, the bill will have no expenditure impact for SLED.

**State Revenue**

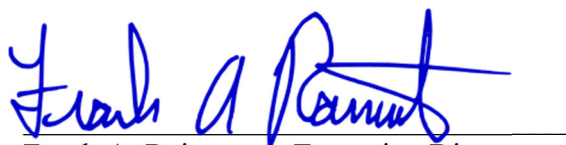
N/A

**Local Expenditure**

There is no data available to estimate the number of filings, hearings, or trials in magistrate and municipal courts that may be impacted as a result of the bill. However, should there be an increased caseload, RFA anticipates that any additional local government expenditure impact will be absorbed within existing resources.

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director