



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. 0795 Introduced on May 5, 2021
Author: Matthews
Subject: Probationer Community Service Supervisors
Requestor: Senate Corrections and Penology
RFA Analyst(s): Gardner
Impact Date: January 25, 2022

Fiscal Impact Summary

The bill protects probation officers, court personnel, county and municipal personnel, public officials, and private volunteers who participate in the probationer's community service program from liability for civil damages.

The implementation of this bill will have no expenditure impact, as the Judicial Department expects to manage any increase in caseloads within current resources.

Additionally, this bill will have no local expenditure impact, as it limits liability for local officials associated with probationary community service.

Further, this bill may result in an undetermined impact to state and local revenue due to the modifications in fines and fees collections in court.

A determination of the bill's fiscal impact is pending, as the Department of Probation, Parole and Pardon is still reviewing the bill.

Explanation of Fiscal Impact

Introduced on May 5, 2021

State Expenditure

The bill protects probation officers, court personnel, county and municipal personnel, public officials, and private volunteers who participate in the probationer's community service program from liability for civil damages, unless damages occur due to the person's gross negligence or intentional misconduct. This provision does not apply to a driver transporting a probationer to community service who, by his negligence, injures a probationer on community service.

Judicial Department. The Judicial Department reports that the bill may alter the duration or number of cases heard by the Court of Common Pleas. There is no empirical data to estimate the number of additional cases that may be heard by the court. However, the department intends to use existing General Fund resources to absorb any costs associated with an increase in caseloads. Therefore, the bill will have no expenditure impact for the Judicial Department.

Department of Probation, Parole and Pardon. The bill protects probation officers, among others, who participate in the probationer's community service program from liability for civil damages. The expenditure impact is pending, contingent upon a response from the agency.

State Revenue

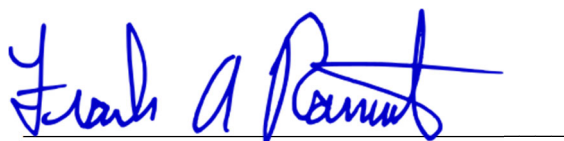
This bill limits the civil liabilities of certain individuals involved in probationary community service programs. This limitation may alter the number of cases or the duration of cases heard in court; thereby, altering the court fines and fees collected. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined impact to General Fund revenue and Other Funds revenue due to the modifications in fines and fees collected in court.

Local Expenditure

The bill protects probation officers, court personnel, county and municipal personnel, public officials, and private volunteers who participate in the probationer's community service program from liability for civil damages, unless damages occur due to the person's gross negligence or intentional misconduct. RFA contacted the local governing entities to determine the potential fiscal impact of this bill. Based on the responses received, this bill will have no expenditure impact on locals.

Local Revenue

This bill limits the civil liabilities of certain individuals involved in probationary community service programs. This limitation may alter the number of cases or the duration of cases heard in court; thereby, altering the court fines and fees collected. Court fines and fees are distributed to the General Fund, Other Funds and local funds. Therefore, RFA anticipates this bill may result in an undetermined impact to local revenue due to the modifications in fines and fees collected in court.



Frank A. Rainwater, Executive Director