



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. 1042	Introduced on February 2, 2022
Author:	Hutto	
Subject:	Use of Restraint or Confinement	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	February 18, 2022	

Fiscal Impact Summary

This bill modifies the juvenile justice code to prevent the restraint or confinement of juvenile inmates except under certain circumstances. The bill also limits the circumstances under which a child may be admitted to a juvenile detention facility and lowers the amount of time that a child may be committed for delinquency or contempt.

This bill will have no expenditure impact for Judicial. Judicial reports that there is no data to estimate any decrease in the number of filings, hearings, or trials heard in family courts that may result from implementation of the bill. Judicial reports that the bill requires them to perform activities that will be conducted in the normal course of business.

This bill may result in an undetermined reduction in General Fund, Other Funds and local revenue due to a potential decrease in revenue generated by fines and fees. There is no data to estimate any decrease in the number of filings, hearings, or trials heard in family courts that may result from implementation of the bill.

The expenditure impact is pending, contingent upon a response from the Department of Juvenile Justice.

Explanation of Fiscal Impact

Introduced on February 2, 2022

State Expenditure

This bill prohibits the restraint or confinement of a juvenile justice inmate unless the inmate poses an immediate threat to the safety of an individual or others if no less restrictive intervention has been, or is likely to be, effective in averting danger. It also prohibits the restraint or confinement of a juvenile justice inmate when certain circumstances exist. In addition, the bill ends the prohibition against the solitary confinement of a juvenile in an adult jail when the juvenile has been waived to general sessions court to stand trial as an adult.

The bill also prohibits a child from being admitted to a juvenile detention facility if his offense would not be considered a crime if committed by an adult, and it limits the amount of time a child may be held in secure confinement in a juvenile detention facility to no more than forty-

eight hours. Further, the bill limits the circumstances under which a child between the ages of twelve and eighteen may be committed to a juvenile detention facility to offenses of a criminal nature or conduct that is a violation of probation or an act of contempt of court where the prior order arose from an adjudication for a criminal offense. Juvenile inmates may only be committed as delinquent or for contempt to a juvenile detention facility for up to ten days.

Judicial. This bill amends the amount of time a juvenile may be held in an adult detention facility, limits commitments for status offenders, and removes the need for status offenders to file an expungement petition. There is no data to estimate any decrease in the number of filings, hearings, or trials heard in family courts that may result from implementation of the bill. However, Judicial does not believe there will be any expenditure impact from the bill. Therefore, this bill will have no expenditure impact for Judicial.

Department of Juvenile Justice. A determination of the bill's impact is pending, as the agency is still reviewing the bill.

State Revenue

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, the Revenue and Fiscal Affairs Office (RFA) anticipates the bill may result in an undetermined impact to General Fund revenue, Other Funds revenue, and local revenue due to modifications in fines and fees collections in court.

Local Expenditure

This bill alters when a juvenile may be committed to a juvenile detention center, some of which are administered at the county level. All forty-six South Carolina counties were surveyed to determine the impact of this bill. Charleston County reports that the bill requires local government to perform duties that will be conducted in the normal course of business.

Local Revenue

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates the bill may result in an undetermined impact to General Fund revenue, Other Funds revenue, and local revenue due to modifications in fines and fees collections in court.



Frank A. Rainwater, Executive Director