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Indicates New Matter

COMMITTEE REPORT

March 16, 2022

**S. 90**

Introduced by Senator Malloy

S. Printed 3/16/22--S.

Read the first time January 12, 2021.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (S. 90) proposing an amendment to Section 3, Article XII of the Constitution of South Carolina, relating to the requirement that the General Assembly provide for the separate confinement of juvenile offenders from, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This joint resolution proposes an amendment to Section 3, Article XII of the Constitution, to specify that the General Assembly will provide for separate confinement of juvenile offenders under the age of eighteen. Currently, the age for separate confinement is under the age of seventeen. Additionally, this proposed amendment will be printed on the ballots for the next general election.

If the Constitution is amended, this will require a shift of incarcerated persons who are seventeen and currently housed in an adult facility to a juvenile facility.

**Department of Corrections.** According to Corrections, there is only one seventeen-year-old currently housed in an adult facility that would need to be transferred to a juvenile facility. Corrections stated that in FY 2021-22, the annual cost to house an inmate totals $30,178, $27,883 of which is state funds. Corrections anticipates reallocating this $30,178 annual savings to other agency needs. Therefore, this joint resolution will have no expenditure savings for Corrections.

**Department of Juvenile Justice.** This joint resolution will require DJJ to house seventeen year olds in a juvenile facility. DJJ anticipates this bill may have an expenditure impact on the agency and is working to provide additional information. Therefore, the impact of this joint resolution is pending, contingent upon an additional response from DJJ.

**State Election Commission.** This joint resolution requires the proposed change to the Constitution to appear on the ballot at the next general election. Additionally, the Election Commission anticipates the need to produce handouts and posters to provide information on this proposed Constitutional amendment. However, the cost will be minimal, and the agency anticipates being able to manage any costs within existing appropriations. Therefore, this bill will have no expenditure impact for the Election Commission.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM “UNDER THE AGE OF SEVENTEEN” TO “UNDER THE AGE OF EIGHTEEN”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Section 3, Article XII of the Constitution of this State be amended to read:

“Section 3. The General Assembly shall provide for the separate confinement of juvenile offenders under the age of ~~seventeen~~ eighteen from older confined persons.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 3, Article XII of the Constitution of this State, relating to the requirement that the General Assembly provide for the separate confinement of juvenile offenders from older confined persons, be amended to change the age for which the General Assembly shall provide for the separate confinement of juvenile offenders from ‘under the age of seventeen’ to ‘under the age of eighteen’?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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