



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:	H. 3016	Introduced on January 10, 2023
Author:	Hewitt	
Subject:	Offenses During State of Emergency	
Requestor:	House Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	March 25, 2024	

Fiscal Impact Summary

This bill changes the felony act of looting during a state of emergency to the felony act of burglary in the first degree, an offense punishable by life imprisonment. This bill also requires the court to order restitution pursuant to §17-25-322.

Judicial and the Commission on Prosecution Coordination report the bill will result in no expenditure impact because it does not create a new criminal offense and does not create a new penalty. The Revenue and Fiscal Affairs Office (RFA) anticipates that the bill will have no expenditure impact for the Commission on Indigent Defense because it does not create a new criminal offense and does not create a new penalty.

RFA anticipates this bill may result in the increase in the number of inmates housed by the Department of Corrections due to the sentence of life imprisonment under the modified felony. Based on the response from Corrections on other legislation, in FY 2022-23, the annual total cost per inmate was \$37,758, of which \$34,570 was state funded. However, as there were only four dispositions for looting during a state of emergency in FY 2022-23, RFA anticipates the any increase in the inmate population can be managed within existing appropriations by Corrections.

This fiscal impact statement will be updated if the Commission on Indigent Defense or Corrections provides information to the contrary.

This bill may increase Other Funds revenue for the Victim Compensation Fund, within the Office of the Attorney General, depending upon any increase in restitution ordered by the court due to this bill that remains unclaimed for more than eighteen months.

This bill may result in an increase in the fines and fees collected in court due to the required restitution. 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 increase to General Fund, Other Funds, and local revenue due to any increase in fines and fees collections in court.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill changes the felony act of looting during a state of emergency to the felony act of burglary in the first degree. Currently, the court has the discretion to order a fine or a term of imprisonment for a defendant convicted of looting during a state of emergency. By changing the act from felony looting to felony burglary in the first degree, the bill requires the court to sentence the defendant to life imprisonment; however, the court maintains the discretion to sentence the defendant to a term of imprisonment for not less than fifteen years.

Judicial and the Commission on Prosecution Coordination report the bill will result in no expenditure impact because it does not create a new criminal offense and does not create a new penalty. RFA anticipates that the bill will have no expenditure impact for the Commission on Indigent Defense because it does not create a new criminal offense and does not create a new penalty.

RFA anticipates this bill may result in the increase in the number of inmates housed by the Department of Corrections due to the sentence of life imprisonment under the modified felony. Based on the response from Corrections on other legislation, in FY 2022-23, the annual total cost per inmate was \$37,758, of which \$34,570 was state funded. However, as there were only four dispositions for looting during a state of emergency in FY 2022-23, RFA anticipates the any increase in the inmate population can be managed within existing appropriations by Corrections.

State Revenue

The bill requires the court to order the defendant to pay restitution to the victim pursuant to §17-25-322. All restitution funds, excluding the 20 percent collection fee, that remain unclaimed by a crime victim for more than eighteen months from the day of the last payment received must be transferred to the South Carolina Victim Compensation Fund. In FY 2022-23 there were four dispositions for looting during a state of emergency.

This bill may increase Other Funds revenue for the Victim Compensation Fund, within the Office of the Attorney General, depending upon any increase in restitution ordered by the court due to this bill that remains unclaimed for more than eighteen months.

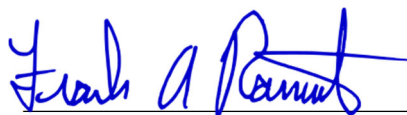
Additionally, this bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined increase to General Fund and Other Funds revenue due to any increase in fines and fees collections in court.

Local Expenditure

N/A

Local Revenue

RFA anticipates this bill may result in an undetermined increase to local revenue due to the increase in fines and fees collections in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds.



Frank A. Rainwater, Executive Director