



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	H. 3220	Signed by Governor on May 21, 2024
Author:	W. Newton	
Subject:	Uniform Child Abduction Prevention Act	
Requestor:	House of Representatives	
RFA Analyst(s):	Gardner	
Impact Date:	May 22, 2024	

Fiscal Impact Summary

This bill creates the Uniform Child Abduction Prevention Act, which, among other things, grants powers to courts responsible for making child-custody determinations, enables parties to a child-custody determination to seek abduction prevention measures, and authorizes law enforcement agencies to enforce child-custody determinations.

The bill also requires persons involved with the state foster care system or with childcare centers licensed through the Department of Social Services (DSS), as well as prospective employees or volunteers involved with child welfare agencies, to have fingerprint-based background checks conducted by both the State Law Enforcement Division (SLED) and the Federal Bureau of Investigation (FBI). In addition, the bill places some limitations on child placement determinations made by DSS and makes it unlawful for persons convicted of certain offenses to apply for employment or to seek a volunteer position with DSS's childcare licensing division or child protective services division.

Judicial and the Commission on Prosecution Coordination report that the bill may have a minimal expenditure impact that can be managed using existing staff and appropriations. Also, the Commission on Indigent Defense and DSS report that the bill will have no expenditure impact, as any additional responsibility required by the bill can be managed using existing staff and appropriations. Further, based on responses from similar legislation, we anticipate this bill will have no expenditure impact on SLED since the agency can manage any increase in criminal background searches with existing appropriations and with existing staff.

Pursuant to Section 23-3-115(A), revenue generated by criminal records checks performed by SLED up to an amount of \$4,461,000 must be deposited in the General Fund. Any revenue over that amount is retained by SLED. Based on data from SLED, the current three-year average in fees collected for background checks totals approximately \$17,147,000, of which \$4,461,000 is deposited to the General Fund, and the remainder is retained by SLED. Therefore, we anticipate that Other Funds revenue for SLED will increase by an undetermined amount in FY 2024-25 as a result of the increase in the number of background checks performed. There would be no increase in General Fund revenue for this portion of the bill.

As the bill does not require local law enforcement agencies to conduct activities outside the normal scope of business, no expenditure impact on local or municipal governments is expected.

This bill may increase General Fund, Other Funds, and local revenue due to the increase in fines and fees for the new offenses brought in general sessions courts. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.

Explanation of Fiscal Impact

Signed by Governor on May 21, 2024

State Expenditure

This bill creates the Uniform Child Abduction Prevention Act and grants the court specific powers in cases involving child-custody determinations where there is evidence of a credible risk of abduction of the child. These powers include, but are not limited to, the ability to make motions, obtain temporary emergency jurisdiction, enter an abduction prevention order, issue an ex parte warrant, and order a search of the National Crime Information Center system. The bill also requires that fingerprint-based background checks be conducted by both SLED and the FBI for:

- Persons involved with the state's foster care system;
- Prospective employees, volunteers, and contractors/subcontractors of DSS childcare licensing and child protective services divisions;
- Persons involved with public childcare centers/group childcare homes;
- Persons involved with private childcare centers/group childcare homes;
- Persons involved with family childcare homes;
- Persons involved with church and religious childcare centers/group childcare homes; and
- Prospective employees of child welfare agencies if the persons will have direct, unsupervised contact with children.

Both SLED and the FBI are authorized to retain and store fingerprints for further use and may provide DSS with current and future civil and criminal information regarding the persons whose fingerprints are stored. DSS is authorized to pay for the cost of an FBI fingerprint-based background check using funds appropriated for foster care when the person for whom the check is being requested is a potential adoption or foster care provider for a child in DSS custody. For all other persons, the FBI fingerprint-based background check must be paid for by the individual or entity requesting the background check. SLED may not impose a fee for its state fingerprint-based background checks that exceeds the charge for an FBI fingerprint-based background check.

The bill also prohibits DSS from placing a child in a home or facility when there are persons aged eighteen or older who have been convicted of or pled guilty or nolo contendere to specific criminal offenses or have a substantiated history of child abuse or neglect. There are some exceptions to the placement of children when certain circumstances exist; DSS is authorized to use its discretion in such cases. Additionally, the bill makes it unlawful for persons who have been convicted of certain crimes to (a) apply for employment with DSS's childcare licensing

division or child protective services division, (b) apply for employment with a contractor/subcontractor of either of these divisions, or (c) seek to act in a volunteer capacity for such entities; this misdemeanor offense is punishable by a fine of not more than \$5,000, imprisonment for not more than one year, or both.

In addition, the bill enables parties to a child-custody determination to seek abduction prevention measures to protect the child. The bill also authorizes law enforcement agencies to enter private property in their efforts to locate or return a child who is part of a child-custody determination.

Judicial. Judicial reports that the bill may increase court caseloads, which can be managed using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for Judicial.

Commission on Prosecution Coordination. The Commission reports that the bill will have a minimal expenditure impact that can be managed using existing staff and appropriations.

Commission on Indigent Defense. The Commission reports that the bill will have no expenditure impact, as any additional responsibility required by the bill can be managed using existing staff and appropriations.

Department of Social Services. DSS reports that the bill will have no expenditure impact, as any additional responsibility required by the bill can be managed using existing staff and appropriations.

State Law Enforcement Division. Based on SLED's response to similar legislation, we anticipate that any expenses associated with conducting additional criminal background searches can be managed within existing appropriations and with existing staff. Also, we anticipate that any revenue received from the criminal background search fee that is retained by SLED will be used to offset expenses. Therefore, the bill will have no expenditure impact on the agency.

State Revenue

This bill will increase the number of criminal records searches that SLED is required to perform. SLED previously indicated that the total cost for a criminal records search is \$51.75, of which \$25 is retained by SLED. The vendor, Identogo, receives \$13.50, and the remainder of the fee, \$13.25, is remitted to the FBI. Pursuant to Section 23-3-115(A), revenue generated by criminal records checks performed by SLED up to an amount of \$4,461,000 must be deposited in the General Fund. Any revenue over that amount is retained by SLED. Based on data from SLED, the current three-year average in fees collected for background checks totals approximately \$17,147,000, of which \$4,461,000 is deposited to the General Fund, and the remainder is retained by SLED. Therefore, we anticipate that Other Funds of SLED will increase by an undetermined amount in FY 2024-25 as a result of the increase in the number of background checks performed. There would be no increase in General Fund revenue for this portion of the bill.

This bill may increase General Fund and Other Funds revenue, due to the increase in fines and fees for the new offenses brought in general sessions courts. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.

Local Expenditure

As this bill does not require local law enforcement agencies to conduct activities outside the normal scope of business, no expenditure impact on local or municipal governments is expected.

Local Revenue

This bill may increase local revenue due to the increase in fines and fees for the new offenses brought in general sessions courts. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.



Frank A. Rainwater, Executive Director