



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. 3583 Introduced on January 10, 2023
Author: Guffey
Subject: Sexual Extortion
Requestor: House Judiciary
RFA Analyst(s): Gardner
Impact Date: April 17, 2023

Fiscal Impact Summary

This bill creates new offenses for sexual extortion and aggravated sexual extortion and creates a penalty schedule for these offenses.

Judicial reports that implementation of the bill may result in an increase in general sessions court caseloads but anticipates any increase can be managed using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for Judicial. Also, the Commission on Prosecution Coordination and the Commission on Indigent Defense report that the bill will have no expenditure impact since these agencies will manage any additional responsibilities resulting from the bill with existing staff and resources. Further, the South Carolina Department of Corrections (SCDC) anticipates this bill may modify how long an inmate may be incarcerated. According to SCDC, in FY 2021-22, the annual total cost per inmate was \$32,247, of which \$30,044 was state funded, and the marginal cost per inmate was \$4,836, of which \$4,830 was state funded. However, SCDC anticipates being able to manage any additional expenses within existing appropriations.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill creates new offenses for sexual extortion and aggravated sexual extortion.

Acts of sexual extortion consist of the following:

- Acts involving willful and malicious intent to coerce a victim to engage in sexual conduct, in sexually explicit conduct, or in simulated sexually explicit conduct, or to communicate by any means a threat to either the victim's person, property, or reputation or distribution of an intimate image or video of the victim; or
- Acts knowingly causing a victim to engage in sexual conduct, in sexually explicit conduct, or in simulated sexually explicit conduct, or to produce, provide, or distribute any image, video, or other recording of any person naked or engaged in sexually explicit conduct by means of a threat.

In conjunction with the acts described above, acts of aggravated sexual extortion include the following:

- Acts where the victim is a child or vulnerable adult;
- Acts where the offense was committed by the use of a dangerous weapon or by violence, intimidation, menace, fraud, or threat of physical harm, or was committed during the course of a kidnapping;
- Acts where the person caused bodily injury or severe psychological injury to the victim during or as a result of the offense;
- Acts where the person was a stranger to the victim or became a friend of the victim for the purpose of committing the offense;
- Acts where the person, before sentencing for the offense, was previously convicted of any sexual offense;
- Acts where the person occupied a position of special trust in relation to the victim;
- Acts where the person encouraged, aided, allowed, or benefitted from acts of prostitution or sexual acts by the victim with any other person, or sexual performance by the victim before any other person, human trafficking, or human smuggling; or
Acts where the person caused the penetration, however slight, of the genital or anal opening of the victim by any part or part of the human body, or by any other object.

The bill establishes the following penalty schedule for these offenses:

Offender	Violation	Offense Type	Punishment
Adult	Sexual extortion	Felony	Imprisonment for not more than 5 years
Adult	Aggravated sexual extortion	Felony	Imprisonment for not more than 30 years if victim is a child or vulnerable adult; registration as a sex offender at discretion of presiding judge
Adult	Aggravated sexual extortion	Felony	Imprisonment for not more than 15 years if victim is an adult
Child	Sexual extortion or aggravated sexual extortion	Misdemeanor	Imprisonment for not more than 3 years
Adult or child	Sexual extortion or aggravated sexual extortion resulting in death of victim	Felony	Imprisonment for not less than 15 years

The bill provides that a person commits a separate offense for each victim he subjects to acts of sexual extortion. In addition, it provides that an interactive computer service is not subject to liability for content provided by a user of the service.

Judicial reports that implementation of the bill may result in an increase in general sessions court caseloads, which can be managed using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for Judicial. Also, the Commission on Prosecution Coordination and the Commission on Indigent Defense report that the bill will have no expenditure impact since these agencies will manage any additional responsibilities resulting from the bill with existing staff and resources. Further, SCDC anticipates this bill may modify how long an inmate may be incarcerated. According to SCDC, in FY 2021-22, the annual total cost per inmate was \$32,247, of which \$30,044 was state funded, and the marginal cost per inmate was \$4,836, of which \$4,830 was state funded. However, SCDC anticipates being able to manage any additional expenses within existing appropriations.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director