



**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.*

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**Bill Number:** H. 3867    Introduced on February 2, 2023  
**Author:** Kirby  
**Subject:** Orders of Protection  
**Requestor:** House Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** April 10, 2023

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### **Fiscal Impact Summary**

This bill allows magistrates to, under certain circumstances, issue ex parte orders of protection without prior notice to a respondent or his counsel or without the opportunity to be heard.

Judicial reports that the bill may shift some cases from family courts to magistrate courts but will not increase the overall caseload, and therefore, will have no expenditure impact.

The bill also specifies that, upon request of a petitioner in a domestic relations case, a court order may include a requirement that the sheriff's department or police department accompany respondents to retrieve personal belongings from a dwelling or residence. As these activities would be performed during the normal course of business, the Revenue and Fiscal Affairs Office (RFA) anticipates the bill will have no expenditure impact on local or municipal governments.

### **Explanation of Fiscal Impact**

#### **Introduced on February 2, 2023**

#### **State Expenditure**

This bill authorizes a magistrate to issue an ex parte order of protection without prior notice to a respondent or his counsel or without the opportunity to be heard when the magistrate finds that, due to abuse, there is probable cause for a threat of immediate and present danger of bodily injury to a household member. Within one week after issuing the order, the magistrate must hold a hearing to determine if the petitioner is indeed entitled to an order of protection. The magistrate must provide a copy of the order and notice of the hearing to the respondent at least five days prior to the hearing. If this timeframe is not met, a respondent may make a motion for a continuance. The bill also requires the sheriff's department or police department to, upon request of a petitioner, accompany a respondent to retrieve personal belongings from a dwelling or residence.

Currently, the family court generally has jurisdiction over domestic relations matters. This bill establishes concurrent jurisdiction to issue an ex parte order of protection in certain instances with the family court and magistrate court. Judicial reports that the bill will shift some cases from family courts to magistrate courts but will not increase the overall caseload. Judicial

expects to manage the shift in caseloads using existing staff and appropriations. Therefore, the bill will have no expenditure impact on Judicial.

**State Revenue**

N/A

**Local Expenditure**

This bill requires the sheriff's department or police department to accompany respondents to retrieve personal belongings from a dwelling or residence if ordered to do so by the court. As these activities would be performed during the normal course of business, RFA anticipates the bill will have no expenditure impact on local or municipal governments.

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director