



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. 4002 Introduced on February 21, 2023
Author: G.M. Smith
Subject: Department of Corrections
Requestor: House Judiciary
RFA Analyst(s): Gardner
Impact Date: April 13, 2023

Fiscal Impact Summary

This bill creates the new felony offense of unlawful possession of a telecommunications device by an inmate of the South Carolina Department of Corrections (SCDC). This felony offense is punishable by a fine of not less than \$1,000 nor more than \$10,000 or imprisonment for not less than one year nor more than ten years, or both.

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 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.

This felony offense is punishable by a fine of not less than \$1,000 nor more than \$10,000 or imprisonment for not less than one year nor more than ten years, or both. As such, it has the potential to increase General Fund, Other Funds, and local revenue from an increase in court fines. However, as the total amount of fines that may be levied in a given year is unknown, the impact on the General Fund, Other Funds, and local revenue is undetermined.

Explanation of Fiscal Impact

Introduced on February 21, 2023

State Expenditure

This bill makes it unlawful for an inmate of SCDC to possess a telecommunications device unless authorized to do so by the agency director. This felony offense is punishable by a fine of not less than \$1,000 nor more than \$10,000 or imprisonment for not less than one year nor more than ten years, or both.

For reference, charge 898 of SCDC's Inmate Disciplinary System Policy OP 22.14 prohibits the possession, receipt, or use of cellular phones, or other communications equipment. SCDC reports that in 2021 there were 1,970 violations for possession of a telecommunications device by an SCDC inmate. In 2022, the number of violations was 1,827, and as of April 4, 2023, there have been 1,569 violations.

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State Revenue

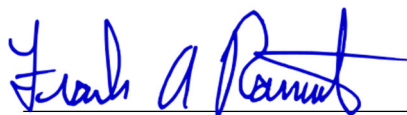
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Local Expenditure

N/A

Local Revenue

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Frank A. Rainwater, Executive Director