



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 Signed by Governor on May 13, 2024
Author: G.M. Smith
Subject: Department of Corrections
Requestor: House of Representatives
RFA Analyst(s): Gardner
Impact Date: May 22, 2024

Fiscal Impact Summary

This bill creates the new offense of unlawful possession of a telecommunications device by an inmate of the South Carolina Department of Corrections (SCDC).

This bill will result in no expenditure impact for Judicial, the Commission on Prosecution Coordination and the Commission on Indigent Defense, or SCDC. 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. Also, the Commission on Prosecution Coordination and the Commission on Indigent Defense each report that any additional responsibilities resulting from the bill can be managed with existing staff and resources. Further, SCDC anticipates this bill may modify how long an inmate may be incarcerated. According to SCDC, in FY 2022-23, the annual total cost per inmate was \$37,758, of which \$34,570 was state funded. However, SCDC anticipates being able to manage any additional expenses within existing appropriations.

Explanation of Fiscal Impact

Signed by Governor on May 13, 2024

State Expenditure

This bill creates the new offense of unlawful possession of a telecommunications device by an inmate of SCDC. A person who violates this offense is guilty of a misdemeanor and must be imprisoned not more than one year for a first offense and is guilty of a felony and must be imprisoned not more than five years for a second or subsequent offense. Additionally, if the finder of fact finds beyond a reasonable doubt that the illegal use of a telecommunications device was the proximate cause of the commission of any subsequent felony, the user is guilty of a felony and must be imprisoned not more than ten years.

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, there were 1,827 violations and 2,179 violations in 2023.

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. Also, the Commission on Prosecution Coordination and the Commission on Indigent Defense each report that any additional responsibilities resulting from the bill can be managed with existing staff and resources. Further, SCDC anticipates this bill may modify how long an inmate may be incarcerated. According to SCDC, in FY 2022-23, the annual total cost per inmate was \$37,758, of which \$34,570 was state funded. However, SCDC anticipates being able to manage any additional expenses within existing appropriations. Therefore, the bill will result in no expenditure impact for Judicial, the Commission on Prosecution Coordination, the Commission on Indigent Defense, or SCDC.

State Revenue

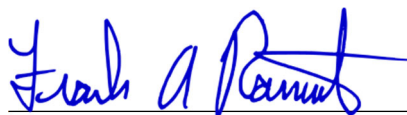
N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director