



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. 4042	Amended by the House of Representatives on May 3, 2023
Author:	Bernstein	
Subject:	Antisemitism	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Griffith and Tipton	
Impact Date:	February 16, 2024	

Fiscal Impact Summary

This bill establishes the statutory definition of anti-Semitism to include the definition adopted on May 26, 2016, by the International Holocaust Remembrance Alliance (IHRA), contemporary examples of anti-Semitism identified by the IHRA, and does not include criticism of Israel similar to that leveled against any country. The bill further specifies that courts or other relevant authorities must apply the same legal standard to an alleged act of anti-Semitism as applicable to similar claims of discrimination under State laws protecting civil rights.

Based on a previous response from the Department of Administration (Admin), we anticipate that compliance with the provisions of the bill can be managed within existing resources and will have no expenditure impact on the department. We will update this fiscal impact statement if Admin provides a different response.

This bill may increase circuit court caseloads, as well as the cost of training for Judicial staff. Judicial indicates that this expenditure increase can be managed within existing appropriations.

The expenditure impact of the bill on the South Carolina Human Affairs Commission (SCHAC) is pending, contingent upon a response from the agency.

Explanation of Fiscal Impact

Amended by the House of Representatives on May 3, 2023

State Expenditure

This bill establishes the statutory definition of antisemitism to include the definition adopted on May 26, 2016, by the IHRA, contemporary examples of antisemitism identified by the IHRA, and does not include criticism of Israel similar to that leveled against any country. The bill specifies that nothing in the section may be construed to diminish or infringe upon rights protected by the First Amendment to the United States Constitution or conflict with any federal, state, or local discrimination laws. The bill further specifies that in reviewing, investigating, or deciding whether there has been a violation of any relevant policy, law, or regulation prohibiting discriminatory acts, the State may take into consideration the definition of antisemitism for purposes of determining whether the alleged act was discriminatory.

Department of Administration. This bill may result in additional requirements for Admin in its State Human Resources capacity. Based on a previous response from Admin, we anticipate that compliance with the provisions of this bill can be managed with existing resources and will have no expenditure impact on the agency. We will update this fiscal impact statement if Admin provides a different response.

Judicial. This bill specifies that in reviewing, investigating, or deciding whether there has been a violation of any policy, law, or regulation prohibiting discriminatory acts, the State may take into consideration the definition of antisemitism for the purposes of determining whether the alleged act was motivated by antisemitic intent. Courts or other relevant authorities must apply the same legal standard as applicable to similar claims of discrimination under State laws protecting civil rights. Judicial indicated that this may increase circuit court caseloads, as well as the cost of training for Judicial staff. Judicial indicated that this expenditure increase will be managed within existing appropriations.

Human Affairs Commission. The expenditure impact of the bill on the SCHAC is pending, contingent upon a response from the agency.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

Introduced on February 28, 2023

State Expenditure

This bill establishes the statutory definition of antisemitism to include the definition adopted on May 26, 2016, by the IHRA, contemporary examples of antisemitism identified by the IHRA, and does not include criticism of Israel similar to that leveled against any country. The bill states that nothing in the section may be construed to diminish or infringe upon rights protected by the First Amendment to the United States Constitution or conflict with any federal, state, or local discrimination laws.

Department of Administration. This bill may result in additional requirements for Admin in its State Human Resources capacity. Admin indicated that compliance with the provisions of this bill will be managed with existing resources and will have no expenditure impact on the agency.

Judicial. This bill states that in reviewing, investigating, or deciding whether there has been a violation of any policy, law, or regulation prohibiting discriminatory acts, the State must take into consideration the definition of antisemitism for the purposes of determining whether the alleged act was motivated by antisemitic intent. Courts or other relevant authorities must apply

the same legal standard as applicable to similar claims of discrimination under State laws protecting civil rights. Judicial indicated that this may increase circuit court caseloads, as well as the cost of training for Judicial staff. Judicial indicated that this expenditure increase will be managed within existing appropriations.

Human Affairs Commission. The expenditure impact of the bill on the SCHAC is pending, contingent upon a response from the agency.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director