



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: S. 0112 Introduced on January 10, 2023
Author: Allen
Subject: Check Expungement
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: March 13, 2023

Fiscal Impact Summary

This bill allows for the expungement of multiple misdemeanor offenses for the drawing and utterance of fraudulent checks or bank drafts over a three-year period, provided that ten years have elapsed since the date of the defendant's last conviction.

Judicial and the Commission on Prosecution Coordination report that implementation of the bill will have no expenditure impact since the bill does not require either agency to perform duties outside the normal course of business.

The Revenue and Fiscal Affairs Office (RFA) surveyed local governments and the Municipal Association of South Carolina (MASC) to determine whether implementation of the bill would result in an expenditure impact. RFA received a response from Cherokee County, which indicated that it would incur \$2,000 in additional postage expenses due to the expected increase in the number of expungement applications that would need to be processed.

This bill may result in an increase in General Fund, Other Funds, and local revenue due to the potential increase in fees collected for the application of expungement. Collected fees are distributed to the General Fund, Other Funds, and local funds. Fees required for an expungement requested through the solicitor's office consist of a \$250 administrative fee paid to the local solicitor, a \$25 fee paid to the State Law Enforcement Division (SLED), and a \$35 fee paid to the Clerk of Court. Any increase in fees will be dependent upon the number of expungement applications received; however, as there are no data available to estimate the number of additional expungement requests that may be submitted, the revenue impact on the General Fund, Other Funds, and local governments is undetermined.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill allows for the expungement of multiple misdemeanor offenses for the drawing and utterance of fraudulent checks or bank drafts over a three-year period, provided that ten years have elapsed since the date of the defendant's last conviction. Currently, only the first offense

for check or bank draft fraud may be expunged. Solicitors' offices handle all expungements, except for non-convictions in magistrate or municipal courts.

Judicial. Judicial indicates that there are no data to estimate the number of applications for expungement that may be heard by solicitors' offices or magistrate or municipal courts in FY 2023-24. However, in CY 2022, the total number of overall case filings for fraudulent check or bank draft offenses were as follows:

**Criminal Data Report (CDR) Code Statute Description
Total Filings
CY 2022**

CDR Code	Statute Description	Total Filings CY 2022
446	Checks / Fraudulent check, or stop payment, > \$1000.00 - 2nd or sub.	8
670	Checks / Fraudulent check, or stop payment, \$500 or less - 1st offense	19
671	Checks / Fraudulent check, or stop payment, \$500 or less - 2nd or sub offense	2
800	Checks / Fraudulent check, or stop payment, > \$1000.00 - 1st offense	122
2429	Banking / Violation of Bank Deposits chapter value \$500 - \$1000 - 1st offense	0
2430	Banking / Violation of Bank Deposits chapter value \$500 - \$1000 - 2nd or sub offense	0
2431	Banking / Violation of Bank Deposits chapter value \$500 or less- 1st offense	1
2432	Banking / Violation of Bank Deposits chapter value \$500 or less - 2nd or sub offense	0
2883	Checks / Fraudulent checks or stop payment > \$500 < \$1000, 1st offense	10
2884	Checks / Fraudulent checks or stop payment > \$500 < \$1000, 2nd or sub. Offense	1
3179	Banking / Violation or Bank Deposits chapter value >\$1000 - \$5000 - 1st offense	1
3180	Banking / Violation or Bank Deposits chapter value >\$1000 - \$5000 - 2nd or sub offense	1
3386	Checks / Fraudulent use of checks, or stop payment, more than \$5,000 - 1st offense	25
3387	Checks / Fraudulent use of checks, or stop payment, more than \$5,000 - 2nd offense	0

Judicial will provide support to local jurisdictions for the implementation of this expungement process, including updating forms and offering training as needed. Judicial anticipates being able to manage these additional responsibilities within the normal course of business. Therefore, the bill will have no expenditure impact for Judicial.

Commission on Prosecution Coordination. Implementation of this bill may result in an increase in the number of expungements requests handled by the solicitors' offices. The commission anticipates it can manage any increase in expungement applications using existing

staff and appropriations. As a result, implementation of the bill will have no expenditure impact on the commission.

State Revenue

Implementation of the bill may result in more expungements being handled by solicitors' offices, which may increase the amount of fees collected. Fees required for an expungement request through the solicitor's office consist of a \$250 administrative fee paid to the local solicitor, as well as a \$25 fee paid to SLED. However, as there are no data to estimate the number of expungement requests that may be submitted in FY 2023-24, the amount of General Funds and Other Funds revenue that may be generated for Judicial or SLED as a result of implementation of the bill is undetermined.

Local Expenditure

Implementation of the bill may result in more expungements being handled by magistrate and municipal courts. RFA contacted local governments to solicit feedback on the provisions of the bill and received a response from Cherokee County, which indicated that implementation of the bill will result in a \$2,000 expenditure impact for additional postage required for the processing of additional expungement requests.

Local Revenue

This bill may result in more expungement requests being heard in magistrate and municipal courts, which may increase the number of fees collected in these courts. Court fees collected by local governments for an expungement consist of a \$35 fee paid to the Clerk of Court. However, there are no data to estimate the number of expungement requests that may be submitted in FY 2023-24. As such, the amount of local revenue that may be generated for local governments due to implementation of the bill is undetermined.



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