



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. 0120	Introduced on January 10, 2023
Author:	Hembree	
Subject:	Non-disclosure of the Identities of Execution Team Members	
Requestor:	Senate Corrections and Penology	
RFA Analyst(s):	Gardner	
Impact Date:	January 11, 2023	

Fiscal Impact Summary

This bill prohibits, in most instances, the disclosure of information of the identities of any person or entity involved with the administration, planning, or execution of a death sentence. The bill also exempts the acquisition of drugs, medical supplies, and equipment intended for use in administering the death penalty from specific procurement, regulatory, and licensing requirements.

The implementation of this bill will have no expenditure impact for the Department of Health and Environmental Control (DHEC), Labor, Licensing and Regulation (LLR), and the Department of Corrections (SCDOC) as the agencies expect to perform activities related to this bill in the normal course of agency business.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill amends provisions related to the non-disclosure of the identities of death penalty execution team members. The bill requires that the identity of any person or entity that participates in the planning or administration of the execution of a death sentence be confidential, including creating a Freedom of Information Act (FOIA) exception for the release of this information. However, the court may authorize discovery relating to the identifying information of a member of the execution team if he compounds, tests, manufactures, imports, transports, distributes, supplies, or prepares the drugs, medical supplies, or equipment utilized in the execution of a death sentence. Information on the identities of all other members of the execution team is not subject to discovery, subpoena, or any other means of legal compulsion and shall be classified as a state secret.

Additionally, the bill exempts from the requirements of the South Carolina Procurement Code and its attendant regulations any purchase or acquisition of drugs, medical supplies, or medical equipment necessary to execute a death sentence. The bill also exempts any out-of-state acquisition of drugs intended for use in administering the death penalty from licensing processes and requirements of DHEC and other state agencies, as well as regulations of the Board of Pharmacy within LLR. In-state and out-of-state pharmacies and pharmacists that supply,

manufacture, or compound drugs expressly intended for use in administering the death penalty are exempt from the licensing processes and requirements of LLR.

The implementation of this bill will have no expenditure impact for DHEC, LLR, and SCDOC as the agencies expect to perform activities related to this bill in the normal course of agency business.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director