



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. 0368	Introduced on January 10, 2023
Author:	Adams	
Subject:	Bond Reform	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	January 25, 2023	

Fiscal Impact Summary

This bill requires the circuit court, when setting bond for an offender accused of committing a violent crime or a felony offense involving a firearm, to consider whether the offender has been convicted of any previous like, but separate, offenses. The bill also requires that bond be deposited in full for such re-offenders and requires magistrate and municipal courts to, when determining the conditions for an offender's release, consider whether the person is currently out on bond for another offense.

This bill requires Judicial to perform activities that will be conducted in the normal course of business. Therefore, the bill does not have an expenditure impact.

RFA anticipates that any local expenditure impact for magistrate and municipal courts will be absorbed within existing resources.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

Circuit courts, at their discretion, may review and reconsider bond set for general sessions offenses by municipal and magistrate court judges. Currently, the circuit court must, within thirty days, hold a bond hearing for a person who has committed a violent crime while he is out on bond for a previous violent crime when the subsequent crime did not arise out of the previous one. The bill changes the term violent offense to violent crime and adds to this provision a person who has committed any felony offense involving a firearm while he is out on bond for a previous but separate felony offense involving a firearm. The bill also requires that any bond set for a violent offense or felony offense involving a firearm to be deposited in full to the court. Bond sureties must certify to the court that all costs and fees required by the contract or agreement with the defendant were paid in full at the time of bonding and that no future payments, fees, or interest are due. Failure by the defendant to make payments or to pay fees or interest to a bond surety after release from custody is not enforceable in any court.

For instances when a person has committed a violent offense or a felony offense involving a firearm and is out on bond for a prior like, but unrelated, offense, the bill requires the arresting

law enforcement agency to notify the circuit solicitor and the administrative chief judge of the circuit in which the subsequent offense was committed. The bill also adds a new provision requiring that bond be deposited in full for cases involving persons who have committed a violent offense or a felony offense involving a firearm and are out on bond for two or more prior like, but unrelated, offenses when the court has determined by the totality of the circumstances that the previous bond should not be revoked and another bond set. In addition, the bill extends from ten to thirty days from the date bond is first set on a charge or the date of grand jury indictment, whichever occurs first, the amount of time a magistrate or municipal court has concurrent jurisdiction with the circuit court to determine if bond should be revoked.

This bill will not require Judicial to conduct any duties that fall outside of the normal course of business and will thus have no expenditure impact.

State Revenue

N/A

Local Expenditure

The bill also requires magistrate and municipal courts, in determining the conditions of an offender's release, to consider whether the person is currently out on bond for another offense. RFA anticipates that any expenditure impact will be absorbed within existing resources.

Local Revenue

N/A



Frank A. Rainwater, Executive Director