



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. 0586	Introduced on March 2, 2023
Author:	Garrett	
Subject:	Drug-Induced Homicide	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	January 29, 2024	

Fiscal Impact Summary

This bill creates a new felony offense for drug-induced homicide, establishes an associated penalty, and establishes that it is not a defense that a decedent contributed to his own death through his ingestion of a controlled substance or his consenting to the administration of a controlled substance by another person.

This bill will have no expenditure impact on Judicial. The implementation of the bill may result in an increase in general sessions court caseloads, which Judicial anticipates can be managed using existing staff and appropriations.

Also, the Commission on Prosecution Coordination and Commission on Indigent Defense anticipate this bill will have no expenditure impact. Both agencies anticipate being able to manage the increase in workload with existing staff and within existing appropriations. However, if this bill results in a significant increase in the workload, the agencies will request an increase in General Fund appropriations.

This bill may result in an increase in the number of inmates housed by the Department of Corrections. However, no data are available to estimate the increase in the number of inmates that may be housed by Corrections. According to Corrections, in FY 2022-23, the annual total cost per inmate was \$37,758, of which, \$34,570 was state funded. However, if this bill results in a significant increase in inmate population, Corrections will request an increase in General Fund appropriations.

The bill requires the Office of the Attorney General to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the agency.

Revenue and Fiscal Affairs (RFA) anticipates that this bill may result in an increase in local expenditures due to a potential increase in the local jail population while awaiting trial for the newly created felony punishable by imprisonment or a fine, or both. However, as the number of such offenses that might occur in a given year is unknown, the potential increase in the local prison population and local expenditure is undetermined.

As this bill creates new offenses, this may result in an increase of General Fund and Other Funds and local fine revenue. However, as the number of such offenses and the resulting fines and fees that might occur in a given year is unknown, the revenue impact is undetermined.

Explanation of Fiscal Impact

Introduced on March 2, 2023

State Expenditure

This bill creates a new felony offense for drug-induced homicide, which is defined as the unlawful delivery, dispensation, or provision of a controlled substance to another person who dies as a result of his injection, inhalation, absorption, or ingestion of such substance. A person convicted of this offense must be imprisoned for not more than thirty years. It is not a defense that a decedent contributed to his own death through his ingestion of a controlled substance or his consenting to the administration of a controlled substance by another person.

Judicial. 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. Therefore, the bill will result in no expenditure impact for Judicial.

Commission on Prosecution Coordination. The Commission reports that implementation of the bill may result in an increase in work which can be managed using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for the Commission.

Commission on Indigent Defense. This bill creates a new offense, which could result in an increase in the number cases handled by the Commission on Indigent Defense. The agency indicates that if this bill results in a significant increase in the workload, the agency will request an increase in General Fund appropriations.

Department of Corrections. This bill may result in an increase in the number of inmates housed by the Department of Corrections. However, no data are available to estimate the increase in the number of inmates that may be housed by Corrections. According to Corrections, in FY 2022-23, the annual total cost per inmate was \$37,758, of which \$34,570 was state funded. However, as the potential increase in incarcerations is unknown, any expenditure impact for Corrections is undetermined. Corrections indicates that if this bill results in a significant increase in the inmate population, the agency will request an increase in General Fund appropriations.

Office of the Attorney General. The bill requires the Office of the Attorney General to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the agency.

State Revenue

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, the RFA

anticipates this bill may result in an undetermined impact to General Fund and Other Funds revenue due to the increase in fines and fees collections in court.

Local Expenditure

RFA anticipates that this bill may result in an increase in local expenditures due to a potential increase in the local jail population while awaiting trial for the newly created felony punishable by imprisonment or a fine, or both. However, as the number of such offenses that might occur in a given year is unknown, the potential increase in the local prison population and local expenditure is undetermined.

Local Revenue

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined impact to local revenue due to the increase in fines and fees collections in court.



Frank A. Rainwater, Executive Director