



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. 0615	Introduced on March 9, 2023
Author:	Hutto	
Subject:	Cultural Awareness and Free Speech	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	March 27, 2023	

Fiscal Impact Summary

This bill provides for an enhanced penalty for certain violent crimes committed against a victim who was intentionally targeted due to the offender's belief or perceptions about the victim.

Judicial, the Commission on Prosecution Coordination, and the Commission on Indigent Defense report that while implementation of the bill may add to their respective workloads, all intend to manage any expenditure impact using existing staff and existing appropriations.

The Department of Corrections (SCDC) reports that implementation of the bill will result in the extension of certain inmates' terms of imprisonment. However, as there are no data to determine the number of inmates whose sentences would be extended, the expenditure impact of the bill on SCDC in FY 2023-24 is undetermined. SCDC further indicates that it will likely request an increase in General Fund appropriations if there is a substantial increase in the inmate population due to the provisions of this bill.

This bill levies an additional fine against persons convicted of certain violent crimes, which may result in an increase in the amount of fines collected by the court. Court fines are distributed to the General Fund, Other Funds, and local funds. Therefore, the Revenue and Fiscal Affairs Office (RFA) anticipates this bill may result in an undetermined impact to General Fund revenue, Other Funds revenue, and local revenue due to the increase in fine collections by the court.

Explanation of Fiscal Impact

Introduced on March 9, 2023

State Expenditure

This bill provides for an enhanced penalty for certain violent crimes when the offender intentionally selects a victim due to the offender's belief or perception regarding the victim's race, color, religion, sex, gender, national origin, sexual orientation, or physical or mental disability. The enhanced penalty, consisting of an additional fine of not more than \$10,000 and an additional term of imprisonment of up to five years, may only be applied to the penalty for the underlying offense under certain circumstances.

Judicial. Judicial reports that implementation of this bill is likely to extend the length of certain trials. However, Judicial expects to manage any expenditure impact using existing staff and General Fund appropriations.

Commission on Prosecution Coordination. The commission reports that implementation of the bill may increase the workloads in the Offices of the Circuit Solicitor. However, the agency intends to use existing staff and General Fund appropriations to manage any increase in expenditures.

Commission on Indigent Defense. The commission reports that the expenditure impact will depend upon the number of offenses charged pursuant to the bill. However, the agency intends to use existing staff and General Fund appropriations to manage any increase in expenditures.

Department of Corrections. SCDC reports that implementation of the bill is expected to affect the inmate population by extending the terms of imprisonment for certain inmates. In FY 2021-22, the annual total cost per inmate was \$32,247, of which \$30,044 was state funded, and the marginal cost per inmate was \$4,836, of which \$4,829 was state funded. However, as there are no data to determine the number of inmates whose terms of imprisonment would be affected, the expenditure impact of the bill on SCDC in FY 2023-24 is undetermined. SCDC further indicates that it will likely request an increase in General Fund appropriations if there is a substantial increase in the inmate population due to the provisions of this bill.

State Revenue

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

Local Expenditure

N/A

Local Revenue

This bill may result in an increase in the amount of fines collected by the court. Court fines 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 fine collections by the court.



Frank A. Rainwater, Executive Director