



**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.*

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**Bill Number:** S. 0638    Introduced on March 15, 2023  
**Author:** Rankin  
**Subject:** Voluntary Waiver of Firearm Rights  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** March 27, 2023

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### **Fiscal Impact Summary**

This bill requires the State Law Enforcement Division (SLED) to develop the South Carolina Voluntary Do-Not-Sell Firearms List, which prohibits the possession, transportation, and sale of firearms to any person who voluntarily registers himself to be enrolled into the list.

Judicial reports that while implementation of the bill may result in an increase in court caseloads, it intends to manage any expenditure impact using existing staff and appropriations.

The Commission on Prosecution Coordination, the Commission on Indigent Defense, and the State Law Enforcement Division (SLED) report that the bill will have no expenditure impact since these agencies will administer policies resulting from the bill with the use of existing staff and resources.

The South Carolina Department of Corrections (SCDC) reports that implementation of the bill may require the incarceration of new inmates. According to SCDC, 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 \$4,830 was state funded. SCDC indicates that it will request an increase in General Fund appropriations if implementation of the bill results in a substantial increase in the inmate population.

As this bill creates two new offenses which may be punishable by a fine, it has the potential to increase General Fund fine revenue, Other Funds fine revenue, and local fine revenue. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.

### **Explanation of Fiscal Impact**

#### **Introduced on March 15, 2023**

#### **State Expenditure**

This bill requires SLED to develop the South Carolina Voluntary Do-Not-Sell Firearms List, which prohibits the possession, transportation, and sale of firearms to any person who voluntarily registers himself to be enrolled into the list. SLED must provide this list to firearms dealers to ensure persons named are prohibited from purchasing, possessing, or transporting a firearm.

Any person aged eighteen or older may request voluntary enrollment for the list, and may also request removal from the list. Any law enforcement agency may accept these forms, which must be forwarded to SLED within twenty-four hours of receipt. Upon enrolling a person into the list, SLED must forward the person's eligibility status to purchase a firearm to all appropriate state and federal firearm purchase eligibility databases. SLED must destroy records of a person's enrollment and subsequent removal from the list once the removal is final. The list is not subject to release under the Freedom of Information Act.

The bill also creates a new offense for the unlawful sale, offer of sale, delivery, lease, rental, barter, exchange, or transportation of firearm to a person whose name appears on the Voluntary Do-No-Sell Firearms List. It also creates the offense of knowingly giving false information or making a false statement with the intent of enrolling or removing another person into or from the list. These felony offenses are punishable by a fine of not more than \$2,000 or imprisonment for not more than five years, or both.

**Judicial.** Judicial reports that the bill's creation of new offenses may result in an increase in general sessions, magistrate, and municipal court caseloads. However, there are no data to estimate the number of filings, hearings, or trials that would be impacted from implementation of the bill. Judicial expects to manage any increase in caseloads using existing staff and appropriations.

**Commission on Prosecution Coordination.** The Commission reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and appropriations.

**Commission on Indigent Defense.** The Commission reports this bill will have a minimal expenditure impact that can be managed with the use of existing staff and appropriations.

**State Law Enforcement Division.** SLED reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and appropriations.

**Department of Corrections.** This bill creates two new offenses which may increase the number of incarcerations in a state correctional facility. According to SCDC, 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 \$4,830 was state funded. SCDC indicates that it will request an increase in General Fund appropriations if implementation of the bill results in a substantial increase in the inmate population.

### **State Revenue**

As this bill creates two new offenses which may be punishable by a fine, it has the potential to increase General Fund and Other Funds fine revenue. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.

**Local Expenditure**

N/A

**Local Revenue**

As this bill creates two new offenses which may be punishable by a fine, it has the potential to increase local fine revenue. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.



Frank A. Rainwater, Executive Director