



**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. 0839    Introduced on January 9, 2024  
**Author:** Alexander  
**Subject:** Homicide by Child Abuse  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner and Boggs  
**Impact Date:** January 31, 2024

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### **Fiscal Impact Summary**

This bill specifies a person is guilty of child abuse if he causes the death of a child who is under eighteen years. Currently, homicide by child abuse applies if the child who dies is under age eleven.

This bill will have no expenditure impact for Judicial, the Commission on Prosecution Coordination, the Commission on Indigent Defense, the Office of the Attorney General, and the Department of Social Services (DSS). 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. Also, the Commission on Prosecution Coordination and the Commission on Indigent Defense indicate that implementation of the bill may increase the workload of the agencies. Both agencies anticipate being able to manage the increase with existing staff and within existing appropriations. The Office of the Attorney General reports the bill does not require the agency to perform duties outside the normal course of business. Further, DSS reports this bill will have no expenditure impact as there is no change to DSS's current operations in these instances.

This bill may result in an increase in the number of inmates housed by the Department of Corrections. According to Corrections, in FY 2022-23, the annual total cost per inmate was \$37,758, of which \$34,570 was state funded. 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. However, based on current convictions for homicide by child abuse, we anticipate any increase in inmate population can be managed within existing appropriations.

### **Explanation of Fiscal Impact**

#### **Introduced on January 9, 2024**

#### **State Expenditure**

This bill specifies a person is guilty of homicide by child abuse if he causes the death of a child under the age of eighteen. Currently, a person is guilty of a homicide by child abuse if the abuse

results in the death of a child under the age of eleven. This bill expands the conviction of homicide by child abuse.

**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 and Commission on Indigent Defense.** This bill expands the age range of children subject to homicide by child abuse from under eleven years to under eighteen years which could result in an increase in the number of cases handled by state prosecutors. The agencies anticipate being able to manage any increase in workload due to this bill using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for the Commissions.

**Office of the Attorney General.** The Office of the Attorney General reports that implementation of the bill will have no expenditure impact since the bill does not require the agency to perform duties outside the normal course of business.

**Department of Social Services.** This bill expands the age range of children subject to homicide by child abuse from under eleven years to under eighteen years. DSS notes that since this bill imposes a greater criminal penalty on perpetrators, this could potentially result in an occasional increase in the length of one of DSS's cases as prosecutors focus on the criminal prosecution before a resolution to a DSS case. However, this bill will have no impact on how DSS currently operates in these instances. Therefore, this bill will have no expenditure impact on DSS.

**Department of Corrections.** This bill may result in an increase in the number of inmates housed by the Department of Corrections due to the expansion of homicide by child abuse. For reference, Judicial reports that there were twenty-three dispositions and five convictions of homicide by child abuse in FY 2022-23.

According to Corrections, in FY 2022-23, the annual total cost per inmate was \$37,758, of which \$34,570 was state funded. 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. However, based on current convictions for homicide by child abuse, we anticipate any increase in inmate population can be managed within existing appropriations.

#### **State Revenue**

N/A

#### **Local Expenditure and Local Revenue**

N/A



Frank A. Rainwater, Executive Director