



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. 0866	Introduced on January 9, 2024
Author:	Shealy	
Subject:	SVPA	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	March 26, 2024 - Updated for Additional Agency Response	

Fiscal Impact Summary

This bill amends the definition of “likely to engage in acts of sexual violence” and provides that no quantification of the likelihood that a sexually violent predator will engage in future acts of sexual violence is necessary in order for him to qualify for involuntary confinement in a secure facility for long-term control, care, and treatment.

The bill may result in an increase in the number of persons who are held for involuntary confinement at a mental health facility, prison, or a juvenile detention center. This bill may also result in an increase in the number of parolees under the supervision of the Department of Probation, Parole and Pardon Services after incarceration. The Department of Corrections stated that in FY 2022-23, the annual total cost per inmate was \$37,758, of which \$34,570 was state funded. If the potential increase in incarcerations is significant, the Department of Correction anticipates requesting an additional General Fund appropriation to manage the additional expense. The Department of Juvenile Justice and the Department of Probation, Parole and Pardon Services anticipate being able to manage any increase in responsibilities due to this bill with existing staff and within existing appropriations. As a result, this bill will have no expenditure impact for these agencies.

The Department of Mental Health (DMH) anticipates this bill will result in an undetermined non-recurring and recurring General Fund expenditures beginning in FY 2024-25, depending upon any increase in the number of patients receiving treatment and whether additional facilities are needed. DMH reports that the Sexually Violent Predator Treatment Program (SVPTP) census has grown annually over the last 5 years and that the facility housing the residents is near capacity. Passage of the bill may lower the threshold for commitments to the program, which will increase the residency beyond facility capacity. If this occurs, the agency will need to request additional General Fund non-recurring appropriations to commission the construction of a new wing to accommodate additional residents. Additionally, the agency reports that for FY 2022-23, the annual cost to house each SVPTP resident was \$100,748. Depending upon the increase in the number of residents, the agency may need to request additional recurring General Fund appropriations to support these residents.

This impact statement has been updated to include a revised response from DMH.

Explanation of Fiscal Impact

Updated for Additional Agency Response on March 26, 2024

Introduced on January 9, 2024

State Expenditure

This bill amends the definition of “likely to engage in acts of sexual violence” and provides that no quantification of the likelihood that a sexually violent predator will engage in future acts of sexual violence is necessary in order for him to qualify for involuntary confinement in a secure facility for long-term control, care, and treatment. The bill may result in an increase in the number of persons who are held for involuntary confinement at a mental health facility, prison, or a juvenile detention center.

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.

Department of Juvenile Justice. The bill may increase the number of persons housed in a juvenile detention center. However, the department anticipates being able to manage any increase in population within existing resources. As a result, this bill will have no expenditure impact for the Department of Juvenile Justice.

Department of Probation, Parole and Pardon Services. This bill may also result in an increase in the number of parolees under the supervision of the Department of Probation, Parole and Pardon Services after incarceration. However, the department anticipates being able to manage any increase in the number of parolees due to this bill within existing resources. As a result, this bill will have no expenditure impact for the Department of Probation, Parole and Pardon Services.

Department of Mental Health. DMH reports that the SVPTP census has grown annually over the last 5 years and that the facility housing the residents is near capacity. Passage of the bill may lower the threshold for commitments to the program, which will increase the residency beyond facility capacity. If this occurs, the agency will need to request additional General Fund non-recurring appropriations to commission the construction of a new wing to accommodate additional residents. The agency did not provide an estimated cost to build the new wing. Additionally, the agency reports that for FY 2022-23, the annual cost to house each SVPTP resident was \$100,748. Depending upon the increase in the number of residents, the agency may need to request additional recurring General Fund appropriations to support these residents.

This impact statement has been updated to include a revised response from DMH.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

Introduced on January 9, 2024

State Expenditure

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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.

Department of Juvenile Justice. The bill may increase the number of persons housed in a juvenile detention center. However, the department anticipates being able to manage any increase in population within existing resources. As a result, this bill will have no expenditure impact for the Department of Juvenile Justice.

Department of Probation, Parole and Pardon Services. This bill may also result in an increase in the number of parolees under the supervision of the Department of Probation, Parole and Pardon Services after incarceration. However, the department anticipates being able to manage any increase in the number of parolees due to this bill within existing resources. As a result, this bill will have no expenditure impact for the Department of Probation, Parole and Pardon Services.

Department of Mental Health. The expenditure impact is pending, contingent upon a response from the Department of Mental Health.

State Revenue

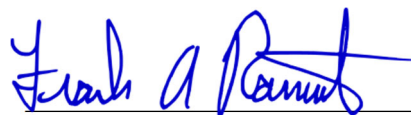
N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director