



# 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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<b>Bill Number:</b>	H. 3387	Introduced on January 14, 2025
<b>Subject:</b>	Unlawful Occupants of Property	
<b>Requestor:</b>	House Judiciary	
<b>RFA Analyst(s):</b>	Bryant	
<b>Impact Date:</b>	March 4, 2025	

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### Fiscal Impact Summary

This bill allows a property owner to seek relief for the removal of a person or persons unlawfully occupying property containing a residential dwelling by filing a verified petition with the clerk of court or chief magistrate of the county in which the property is located. Upon the filing of a verified petition, and for good cause, the court must immediately issue an ex parte order to remove an unlawful occupant from the property. Once the court grants the order, the sheriff of the county in which the property is located must enforce the order by removing the person unlawfully occupying the property. The bill specifies that the sheriff is entitled to a fee for service of the ex parte order and provides for a civil cause of action for wrongful removal. Additionally, the bill specifies that a person who violates the terms and conditions of an ex parte order is guilty of a felony. The bill also creates the new felony offense of criminal mischief. As these are new offenses, there are no data to determine the number of new cases that may be heard in circuit court.

Judicial reports that the new process for ejectment and the new felony offense may increase circuit court caseloads. Judicial anticipates that any additional expenses can be managed within existing appropriations. However, if the bill has a significant impact on caseloads or downstream expenses, such as an increased need for court interpreters, Judicial indicates that it will request an increase in General Fund appropriations.

This bill may result in an increase in the number of circuit court cases, and potentially the number of incarcerations, which may increase the workload of the Commission of Indigent Defense, the Commission on Prosecution Coordination, the Department of Corrections (Corrections), and Probation, Parole, and Pardon Services (PPP). The potential increase in expenses for each agency will depend upon the increase in the number of cases and the number of incarcerations. These agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,439, of which \$36,553 was state funded.

The Revenue and Fiscal Affairs Office (RFA) contacted all county governments and the Municipal Association of South Carolina (MASC) regarding the impact of this bill and received responses from Chesterfield and Sumter counties and MASC. Based on the responses received, we do not anticipate an expenditure impact on local governments. For reference, the responding

counties indicate that the bill will have no fiscal impact. Additionally, MASC does not anticipate any direct fiscal impact to municipalities. MASC indicates that because the bill grants county sheriffs the authority to conduct evictions of residential property but does not grant this authority to municipal public safety officers, any costs arising from this provision of the bill will be borne by county sheriff agencies and not by municipal governments. MASC further indicates that because the new offense of criminal mischief is a felony charge, individuals charged with this offense will not be eligible for prosecution in a municipal court.

As this bill creates new offenses, this may result in an increase of General Fund, 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 are unknown, the revenue impact is undetermined.

## **Explanation of Fiscal Impact**

### **Introduced on January 14, 2025**

#### **State Expenditure**

This bill allows a property owner to seek relief for the removal of a person or persons unlawfully occupying property containing a residential dwelling by filing a verified petition with the clerk of court or chief magistrate of the county in which the property is located. Filing fees and court costs under this article shall be the same as filing fees and court costs required when filing a claim in the court of common pleas. Upon the filing of a verified petition, and for good cause, the court must immediately issue an ex parte order to remove an unlawful occupant or occupants from the property. Once the court grants the order, the sheriff of the county in which the property is located must enforce the order by removing the person or persons unlawfully occupying the property. The bill specifies that the sheriff is entitled to the same fee for service of the ex parte order as that provided for the execution of a warrant for the ejection of a trespasser pursuant to Section 15-67-630. The bill also provides for a civil cause of action for wrongful removal and allows for the recovery of real property, actual damages to personal property when personal property was removed, statutory damages in the amount of \$1,000, and reimbursement of court costs. Additionally, the bill specifies that a person who violates the terms and conditions of an ex parte order is guilty of a felony and, upon conviction, must be imprisoned not more than three years or fined not more than \$3,000, or both. The bill also creates a new offense for criminal mischief and provides that a person who unlawfully detains, occupies, or trespasses upon a residential dwelling is guilty of a felony and, upon conviction, must be imprisoned not more than three years or fined not more than \$3,000, or both. As these are new offenses, there are no data to determine the number of new cases that may be heard in circuit court.

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Defense, the Commission on Prosecution Coordination, Corrections, and PPP. The potential increase in expenses for each agency will depend upon the increase in the number of cases and the number of incarcerations. These agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,439, of which \$36,553 was state funded.

### **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, 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.

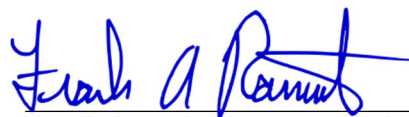
### **Local Expenditure**

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Frank A. Rainwater, Executive Director