



# 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. 3537	Introduced on January 14, 2025
<b>Subject:</b>	South Carolina Prenatal Equal Protection Act	
<b>Requestor:</b>	House Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	January 21, 2026	

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### Fiscal Impact Summary

This bill creates the South Carolina Prenatal Equal Protection Act, which defines associated terms and provides that an unborn child, regardless of the stage of development, is considered a person under the state's homicide and assault laws.

This bill may result in an increase in the number of court cases, and potentially the number of incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, the Department of Corrections (Corrections), and the Department of Probation, Parole, and Pardon Services (PPP). The potential increase in expenses for Judicial and each agency will depend upon the increase in the number of cases and number of incarcerations. Judicial and the agencies anticipate that the potential impact of the increased workload can be managed within existing appropriations. However, if this bill results in a significant increase in the workload, then Judicial and the agencies may request an increase in General Fund appropriations. For more information, according to Corrections, in FY 2024-25, the annual total cost per inmate was \$37,503, of which \$35,696 was state funded.

The expenditure impact of this bill on the Office of the Attorney General is pending, contingent upon a response.

### Explanation of Fiscal Impact

#### Introduced on January 14, 2025

#### State Expenditure

This bill creates the South Carolina Prenatal Equal Protection Act, which defines associated terms and provides that an unborn child, regardless of the stage of development, is considered a person under the state's homicide and assault laws. The bill establishes the following exceptions for instances where an unborn child is the victim of a homicide: instances in which the mother was compelled to perform such an act due to the threat of imminent death or great bodily injury; when the death of an unborn child results from procedures performed to save the life of the mother or the unborn child; or when a spontaneous miscarriage occurs. Licensed physicians, other licensed healthcare providers, and persons acting on behalf of a pregnant patient are not subject to criminal liability. A person compelled to testify in actions or prosecutions initiated pursuant to the bill's provisions is exempt from prosecution for the act on which the witness is

testifying, with the exception of prosecution for perjury. The provisions of the bill are prospective only.

This bill may result in an increase in the number of court cases, and potentially the number of incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, Corrections, and PPP. The potential increase in expenses for Judicial and each agency will depend upon the increase in the number of cases and number of incarcerations. Judicial and the agencies anticipate that the potential impact of the increased workload can be managed within existing appropriations. However, if this bill results in a significant increase in the workload, then Judicial and the agencies may request an increase in General Fund appropriations. For more information, according to Corrections, in FY 2024-25, the annual total cost per inmate was \$37,503, of which \$35,696 was state funded.

The fiscal impact of this bill on the Office of the Attorney General is pending as the agency is continuing to analyze the impact of the bill.

**State Revenue**

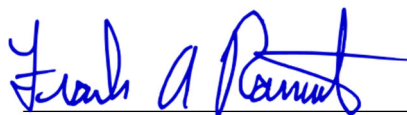
N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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