



# 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. 3591	Introduced on January 14, 2025
<b>Subject:</b>	Drug-Induced Homicide	
<b>Requestor:</b>	House Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	March 25, 2025	

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### Fiscal Impact Summary

This bill defines “fentanyl-related substance” and establishes that a person who unlawfully delivers, dispenses, or otherwise provides fentanyl or a fentanyl-related substance to a person who dies after injection, inhalation, absorption, or ingestion of any amount of the substance has committed the felony offense of fentanyl-induced homicide. This felony carries a penalty of not more than thirty years.

This bill may impact the caseload in general sessions 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). Judicial anticipates that the potential impact of the caseload in court can be managed within existing appropriations; however, Judicial will request additional General Fund appropriations if the bill has a significant impact on caseloads and related expenses. Additionally, the potential increase in expenses for each agency will depend upon the increase in the number of cases and 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 \$40,429, of which \$36,553 was state funded. The expenditure impact for PPP is based on a previous response on similar legislation.

Revenue and Fiscal Affairs (RFA) anticipates this bill may result in an undetermined impact to General Fund revenue, Other Funds revenue, and local revenue due to the potential increase in fine collections by the court.

### Explanation of Fiscal Impact

#### Introduced on January 14, 2025

##### State Expenditure

This bill defines “fentanyl-related substance” and establishes that fentanyl-induced homicide is a felony offense against the person who unlawfully delivers, dispenses, or otherwise provides fentanyl or a fentanyl-related substance to a person who dies after injection, inhalation, absorption, or ingestion of any amount of the substance. This offense is punishable by imprisonment for not more than thirty years. The bill also provides that a defense may not

established due to a decedent contributing to his own death by his purposeful, knowing, reckless, or negligent consumption of the controlled substance or by his consenting to the administration of the controlled substance by another person.

This bill may impact the caseload in general sessions 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. Judicial anticipates that the potential impact of the caseload in court can be managed within existing appropriations; however, Judicial will request additional General Fund appropriations if the bill has a significant impact on caseloads and related expenses. Additionally, the potential increase in expenses for each agency will depend upon the increase in the number of cases and 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. The expenditure impact for PPP is based on a previous response on similar legislation.

For information, Judicial indicates that this new offense will likely be an additional charge added to other fentanyl-related offenses that are currently being heard in court. In FY 2023-24 there were 455 fentanyl-related offenses under §44-53-370 disposed of in general sessions court. This represents approximately 0.3 percent of the offenses disposed of in general sessions for this time period. Additionally, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,429, of which \$36,553 was state funded. The expenditure impact for PPP is based on a previous response on similar legislation.

#### **State Revenue**

This bill may result in an increase in the amount of fines collected by the court. Court fines are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined increase to General Fund and Other Funds revenue due to the increase in fine collections by the court.

#### **Local Expenditure**

N/A

#### **Local Revenue**

This bill may result in an increase in the amount of fines collected by the court. Court fines are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined increase to local revenue due to the increase in fine collections by the court.



Frank A. Rainwater, Executive Director