



# 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. 3595	Introduced on January 14, 2025
<b>Subject:</b>	Juvenile Diversion Court	
<b>Requestor:</b>	House Judiciary	
<b>RFA Analyst(s):</b>	Boggs	
<b>Impact Date:</b>	March 12, 2025	

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### Fiscal Impact Summary

This bill creates special juvenile pretrial diversion courts within the family courts system for the purpose of offering an alternative to referral to the juvenile justice system for children who commit first-time, nonviolent status offenses or delinquent acts. Additionally, this bill states that there is to be at least one juvenile pretrial diversion court in each judicial circuit and no child may be required to pay court or program fees.

This bill also requires the Department of Juvenile Justice (DJJ) to develop a plan for the establishment, implementation, and oversight of pre-detention diversion programs around the State to which first-time, nonviolent offenders must be referred by the juvenile pretrial diversion courts. Additionally, DJJ must provide competitively awarded funding, based on the number of children served and other requirements established by the agency, to at least one program in each judicial circuit to supplement other funding received by the program.

Further, this bill requires a law enforcement officer who takes a child into custody for a nonviolent offense, as defined in Section 16-1-70, to utilize a database provided by DJJ to review the child's criminal history with the juvenile justice system. If the child has no prior referral to DJJ, the officer must refer the child to the local juvenile pretrial diversion court, provide a copy of the referral form to the child's parent or guardian, DJJ, and the entity designated to run the pre-detention diversion program.

Judicial indicates this bill will have no expenditure impact assuming the juvenile pretrial diversion programs are designed similarly to adult programs. Judicial anticipates the chief administrative judge of the family court of each circuit would have to review applications for these programs, which would be managed within the normal course of business for the family court.

The South Carolina Law Enforcement Division (SLED) anticipates that any increase in workload created by this bill can be managed with existing staff and appropriations. Therefore, this bill will have no expenditure impact on the agency.

The fiscal impact of this bill is pending for DJJ and the Commission on Prosecution Coordination (CPC), contingent upon a response from the agencies.

The Revenue and Fiscal Affairs Office (RFA) contacted all counties and the Municipal Association of South Carolina (MASC) to determine the impact on local law enforcement. RFA received a response from the counties of Horry and Florence and MASC. Both counties anticipate that this bill will have no expenditure impact. MASC anticipates this bill may have a minimal fiscal impact on local law enforcement agencies to update policies and procedures and offer appropriate officer training.

## **Explanation of Fiscal Impact**

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

#### **State Expenditure**

This bill creates special juvenile pretrial diversion courts within the family courts system for the purpose of offering an alternative to referral to the juvenile justice system for children who commit first-time, nonviolent status offenses or delinquent acts. Additionally, this bill states that there is to be at least one juvenile pretrial diversion court in each judicial circuit and no child may be required to pay court or program fees.

Additionally, DJJ must develop a plan for the establishment, implementation, and oversight of pre-detention diversion programs around the State to which first-time, nonviolent offenders must be referred by the juvenile pretrial diversion courts. The pre-detention diversion programs may incorporate educational services, mentoring services, mental health services, and behavioral health services. Also, DJJ must provide competitively awarded funding, based on the number of children served and other requirements established by the agency, to at least one program in each judicial circuit to supplement other funding received by the program.

Further, this bill requires a law enforcement officer who takes a child into custody for a nonviolent offense, as defined in Section 16-1-70, to utilize a database provided by DJJ to review the child's criminal history with the juvenile justice system. If the child has no prior referral to DJJ, the officer must refer the child to the local juvenile pretrial diversion court, provide a copy of the referral form to the child's parent or guardian, DJJ, and the entity designated to run the pre-detention diversion program.

**Judicial.** The bill requires DJJ to plan, establish, implement, oversee, and fund juvenile pretrial diversion programs. If these programs are designed similarly to adult programs, Judicial assumes the chief administrative judge of the family court of each circuit would have to review applications for these programs. These duties are in the normal course of business for the family court. Based on this assumption, Judicial anticipates that this bill will have no expenditure impact. However, if these programs do not follow the design of the adult programs, this may change the fiscal impact.

**South Carolina Law Enforcement Division.** SLED anticipates that any increase in workload created by this bill can be managed with existing staff and appropriations. Therefore, this bill will have no expenditure impact on the agency.

The fiscal impact of this bill is pending for DJJ and CPC, contingent upon a response from the agencies.

**State Revenue**

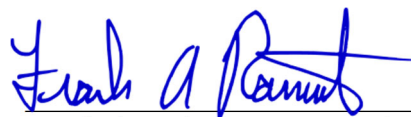
N/A

**Local Expenditure**

RFA contacted all counties and MASC to determine the impact on local law enforcement. RFA received a response from the counties of Horry and Florence and MASC. Both counties anticipate that this bill will have no expenditure impact. MASC anticipates that this bill may have a minimal fiscal impact on local law enforcement agencies to update policies and procedures and offer appropriate officer training.

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director