



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:	H. 4151	Amended by House Judiciary on February 25, 2026
Subject:	Juveniles	
Requestor:	House Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	March 4, 2026	

Fiscal Impact Summary

This bill adds to the exclusions to the definition of a child or juvenile for the purposes of the Juvenile Justice Code. The new exclusions include a person aged seventeen or older who is charged with any offense involving a weapon or a felony when that person has previously been adjudicated delinquent in family court or convicted in circuit court for a felony, as well as a person aged sixteen or older who is charged with a felony offense carrying a term of imprisonment for thirty years or more, a first degree burglary offense, or the offense of attempted murder. The bill also specifies that for cases with a child offender, aged fourteen, fifteen, or sixteen, the court may transfer the case for proper criminal proceedings in a court which would have trial jurisdiction of the offenses if committed by an adult. This includes cases where the child offender has been charged with carrying a weapon on school property, unlawful carrying of a handgun, distribution of a controlled substance in proximity of a school, or any offense that, if committed by an adult, carries a term of imprisonment for ten years or more when the child has been adjudicated delinquent in family court or convicted in circuit court for a prior offense. This bill shifts the court of original jurisdiction from family court to circuit court for these excluded individuals. However, the bill adds that the case may be remanded to the family court by the circuit court, sua sponte, or upon motion of the defendant after a hearing and order issued by the circuit court judge.

This bill will not alter the responsibilities of the Commission on Prosecution Coordination (CPC) or the Department of Probation, Parole and Pardon Services (PPP) and will, therefore, have no expenditure impact on these agencies. Additionally, based on a previous response, Judicial anticipates any shift in the caseload between family court and circuit court can be managed within existing appropriations.

This bill may result in a shift in cases from the Department of Juvenile Justice (DJJ) to the Commission of Indigent Defense (CID). This bill may also impact the number of juveniles in DJJ custody. DJJ anticipates this bill may have an impact, depending upon the number of persons no longer considered a juvenile. Based on a previous response, CID anticipates that if this bill results in a significant increase in workload for the agency, it will request an increase in General Fund appropriations.

The Department of Corrections (Corrections) indicates this bill may result in an increase in expenses for the agency. Corrections anticipates the changes made by this bill may result in an

increased number of incarcerations of persons under the age of eighteen. Corrections anticipates that if this bill results in a significant increase in incarcerations of persons under the age of eighteen, the agency will request an increase in General Fund Appropriations. For information, according to Corrections, in FY 2024-25, the annual total cost per inmate was \$37,503, of which \$35,696 was state funded.

Explanation of Fiscal Impact

Amended by House Judiciary on February 25, 2026

State Expenditure

This bill adds to the exclusions to the definition of a child or juvenile for the purposes of the Juvenile Justice Code. The new exclusions include a person aged seventeen or older who is charged with any felony offense involving a weapon or a felony if that person was previously adjudicated delinquent in family court convicted in circuit court for a felony. The bill also adds exclusions to the definition of a child or juvenile to include a person aged sixteen or older who is charged with a felony offense carrying a term of imprisonment for thirty years or more, a first-degree burglary offense, or the offense of attempted murder.

The bill also specifies that for cases with a child offender, aged fourteen, fifteen, or sixteen, the court may transfer the case for proper criminal proceedings in a court which would have trial jurisdiction of the offense if committed by an adult. This includes cases where the child offender has been charged with carrying a weapon on school property, unlawful carrying of a handgun, distribution of a controlled substance in proximity of a school, or any offense that, if committed by an adult, carries a term of imprisonment for ten years or more when the child has been adjudicated delinquent in family court or convicted in circuit court for a prior offense. Currently, cases with child offenders fourteen or older may be transferred over for proper criminal proceedings under certain circumstances.

Currently, family court has original jurisdiction for these juveniles, and DJJ and the CPC manage the defense and prosecution of these cases. This bill shifts the court of original jurisdiction from family court to circuit court for these excluded individuals. However, the bill authorizes the circuit court, sua sponte, or upon motion of the defendant after a hearing and order issued by the circuit court judge to remand the case to family court. Currently, a case may be remanded to family court at the discretion of the solicitor. Any additional or accompanying charge must be heard by the court with jurisdiction over the aforementioned offenses.

This bill will not alter the responsibilities of CPC or PPP and will, therefore, have no expenditure impact on these agencies. Additionally, based on a previous response, Judicial anticipates any shift in the caseload between family court and circuit court can be managed within existing appropriations.

This bill may result in a shift in cases from DJJ to CID. This bill may also impact the number of juveniles in DJJ custody. DJJ anticipates this bill may have an impact, depending upon the number of persons no longer considered a juvenile. Based on a previous response, CID

anticipates that if this bill results in a significant increase in workload for the agency, it will request an increase in General Fund appropriations.

Corrections indicates this bill may result in an increase in expenses for the agency. Corrections anticipates the changes made by this bill may result in an increased number of incarcerations of persons under the age of eighteen. Under the federal Prison Rape Elimination Act, any individual under the age of eighteen must be sight and sound separated from the adult inmate population and provided age-appropriate services. Corrections anticipates that, if this bill results in a significant increase in the under eighteen population, the agency will be able to use a wing of a housing unit currently in their project budget to house these under eighteen-year-olds. However, this will decrease the available housing options for the general population. Therefore, if this bill results in a significant increase in incarcerations of persons under the age of eighteen, Corrections will request an increase in General Fund Appropriations. For information, according to Corrections, in FY 2024-25, the annual total cost per inmate was \$37,503, of which \$35,696 was state funded.

State Revenue

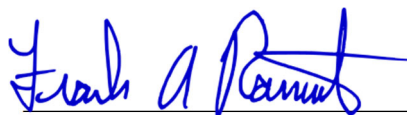
N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director