



# 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>	S. 0202	Introduced on January 15, 2025
<b>Subject:</b>	Wilful Destruction of Evidence	
<b>Requestor:</b>	Senate Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	January 13, 2026	

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### Fiscal Impact Summary

This bill adds to the unlawful acts of willful destruction of physical evidence or biological material the act of burying such evidence or material. The bill also provides an enhanced penalty for a person convicted of willful destruction of evidence when a death results from a drug overdose.

This bill may result in an increase the caseload circuit court cases and potentially the length of time for incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, and the Department of Corrections (Corrections). Judicial anticipates that the potential impact of the caseload in court can be managed within existing appropriations. 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 anticipate that the potential increase in caseload can be managed within existing appropriations. However, Judicial and each of the agencies indicated that if this bill results in a significant increase in expenses, additional General Fund appropriations will be requested.

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, Revenue and Fiscal Affairs (RFA) anticipates this bill may result in an undetermined increase to the General Fund, Other Funds, and local revenue due to the increase in fine collections by the court.

### Explanation of Fiscal Impact

#### Introduced on January 15, 2025

#### State Expenditure

This bill relates to post-conviction DNA testing and preservation of evidence. Currently, it is unlawful for a person to destroy, alter, conceal, or tamper with physical evidence or biological material that is required to be preserved. This misdemeanor offense is punishable by a fine of not more than \$100 for a first offense and a fine of not more than \$5,000, imprisonment for not more than one year, or both, for each subsequent violation. The bill adds to the unlawful offenses the act of burying physical evidence or biological material. The bill also establishes an enhanced penalty for persons convicted of willful destruction of evidence in the instance a death results

from a drug overdose; this enhanced penalty consists of a fine of not more than \$7,500, imprisonment for not more than three years, or both.

This bill may impact the caseload in circuit court and potentially the length of time of incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination and Corrections. Judicial anticipates that the potential impact of the caseload in court can be managed within existing appropriations. 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 anticipate that the potential increase in caseload can be managed within existing appropriations. However, Judicial and each of the agencies indicated that if this bill results in a significant increase in expenses, additional General Fund appropriations will be requested. For information, Corrections reports that, in FY 2024-25, the annual total cost per inmate was \$37,503, of which \$35,696 was state funded.

### **State Revenue**


This bill may result in a change 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 increase to the 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 a change 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 a change to local revenue due to the change in fines and fees collections in court.



Frank A. Rainwater, Executive Director