



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:	S. 0233	Introduced on January 16, 2025
Subject:	Sexually Violent Predator Act	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner and Boggs	
Impact Date:	April 2, 2025 - Updated for Additional Agency Response	

Fiscal Impact Summary

This bill changes the definition of “likely to engage in acts of sexual violence” within the Sexually Violent Predator Act. The bill changes the definition from “that a person that is predisposed to engage in acts of sexual violence and more probably than not will engage in acts of sexual violence to such a degree as to pose a menace to the health and safety of others” to “that a person’s propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.”

This bill will not have an expenditure impact for Judicial, the Commission on Prosecution Coordination, the Commission on Indigent Defense, the Department of Corrections, or the Department of Probation, Parole and Pardon Services. Judicial indicates this bill does not operationally or fiscally impact them. All of the other agencies indicate this bill will have a minimal, if any, impact on them and any change can manage using existing staff and appropriations.

The Department of Mental Health (DMH) anticipates the updated definition will likely result in a reduction of program discharges from the Sexually Violent Predators (SVP) program and therefore increase the number of patients housed through the program. For information, according to DMH, in FY 2024-25, the annual total cost per patient was \$109,367, which is fully state funded. Currently, there are 239 patients in the program.

This impact statement has been updated to include a response from DMH.

Explanation of Fiscal Impact

Updated for Additional Agency Response on April 2, 2025

Introduced on January 16, 2025

State Expenditure

This bill clarifies the definition of “likely to engage in acts of sexual violence” within the Sexually Violent Predator Act. The bill changes the definition from “that a person that is predisposed to engage in acts of sexual violence and more probably than not will engage in acts of sexual violence to such a degree as to pose a menace to the health and safety of others” to “that a person’s propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others.”

This bill will not have an expenditure impact for Judicial, the Commission on Prosecution Coordination, the Commission on Indigent Defense, the Department of Corrections, or the Department of Probation, Parole and Pardon Services. Judicial indicates this bill does not operationally or fiscally impact them. All of the other agencies indicate this bill will have a minimal, if any, impact on them and any change can manage using existing staff and appropriations.

When a court or jury determines a person is a sexually violent predator, the person must be committed to the custody of DMH until such time as the person's mental abnormality or personality disorder has so changed that the person is safe to be at large and has been released. DMH indicates that the change in the definition of "likely to engage in acts of sexual violence" will likely result in a reduction of program discharges from the SVP program and therefore increase the number of patients housed through the program. For information, according to DMH, in FY 2024-25, the annual total cost per patient was \$109,367, which is fully state funded. Currently, there are 239 patients in the program.

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State Revenue

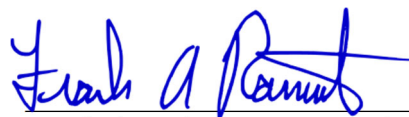
N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director