



# 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. 0235	Introduced on January 16, 2025
<b>Subject:</b>	Prostitution	
<b>Requestor:</b>	Senate Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	March 4, 2025	

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### Fiscal Impact Summary

This bill revises provisions related to the offense of prostitution, creates a new related offense, establishes that all prostitution-related offenses are felonies and revises three existing penalty schedules.

This bill may result in an increase in the number of circuit court cases, 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 indicates that the increase in the caseload in court is expected to 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 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.

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, the Revenue and Fiscal Affairs Office (RFA) anticipates this bill may result in a change to General Fund, Other Funds, and local revenue due to the change in fines and fees collections in court.

### Explanation of Fiscal Impact

#### Introduced on January 16, 2025

##### State Expenditure

This bill revises provisions related to the offense of prostitution by defining prostitution, creating a new related offense, establishing that all prostitution-related offenses are felonies and revises three existing penalty schedules.

Section 16-15-90 has been restructured to only include the following offenses related to prostitution, which are all considered felony offenses:

- Engaging in prostitution;
- Procuring or soliciting for the purpose of prostitution;

- Indecently exposing a person for the purpose of prostitution;
- Residing in or entering a place or conveyance for the purpose of prostitution; and
- Aiding, abetting, or knowingly participating in any of the above acts.

The bill provides that offenders who are minors at the time of a violation may not be prosecuted for the above offenses. In addition, the bill provides that it is an affirmative defense to a prosecution for these offenses if the defendant committed the violation under duress or was coerced into commission of the offense as a result of being a victim of human trafficking. The bill also changes the penalty structure for Section 16-15-90 from a tiered penalty with options for both a fine and imprisonment (under Section 16-15-10) to the single option of a term of imprisonment for no more than five years.

The bill also moves a number of prostitution-related offenses originally contained in Section 16-15-90 to Section 16-15-100 and adds a new offense to this section. All offenses in the section are felonies as follows:

- Keeping or setting up a trailer, place, structure, or building to facilitate prostitution;
- Receiving a person for the purpose of prostitution into any vehicle, conveyance, trailer, place, structure, or building;
- Permitting a person to remain for the purpose of prostitution in a vehicle, conveyance, trailer, place, structure, or building;
- Directing, taking, or transporting, or offering or agreeing to take or transport, or aiding or assisting in transporting a person to a place/vehicle/structure or to another person with knowledge or having reasonable cause to believe that the purpose of such action is prostitution;
- Leasing, renting, or contracting to lease or rent a place/vehicle/structure or part thereof believing or having reasonable cause to believe that it is intended to be used for prostitution; and
- (New) Promoting, marketing, or advertising prostitution on a media platform accessible to the public.

The bill also changes the penalty structure for Section 16-15-100 from a tiered penalty with options for both a fine and imprisonment (under Section 16-15-10) to the single option of a term of imprisonment for no more than five years.

Further, the bill revises Section 16-15-110, which currently refers to the commission of offenses under both Sections 16-15-90 and 16-15-100, to solely make it a felony for a person to solicit, induce, entice, or offer money or anything of value to a prostituted person for the purpose of engaging in prostitution. The bill also changes the penalty structure for Section 16-15-110 from a tiered penalty with options for both a fine and imprisonment to the single option of a term of imprisonment for no more than five years.

This bill may result in an increase in the number of circuit court cases, 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 indicates that the increase in the caseload in court is expected to 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 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.

### **State Revenue**

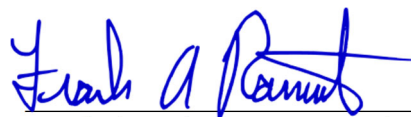
This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in a change to General Fund and Other Funds revenue due to the change in fines and fees collections in 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