



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. 0316	Introduced on February 5, 2025
Subject:	Civil Litigation Reform	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	March 5, 2025	

Fiscal Impact Summary

This bill establishes guidelines and protection for the Attorney General when bringing an enforcement action in the name of the State, enables the Attorney General to bring an action to obtain the remedy of disgorgement, and provides that materials prepared or held by the Attorney General during an investigation of unfair trade practices remain privileged until such time the investigation is terminated.

The Office of Attorney General reports this bill will have no expenditure impact because the agency will administer the responsibilities resulting from the bill with existing staff and resources.

Explanation of Fiscal Impact

Introduced on February 5, 2025

State Expenditure

This bill provides that the Attorney General, in bringing or defending an action in the name of the State pursuant to any power granted by common law, the State Constitution, or any provision of law, is acting in the public interest of the State and not as a legal representative of any department or agency of State government, any branch of government, or any associated boards. While the bill also provides that such departments, agencies, or boards are not parties to the Attorney General's actions, it does not preclude the Attorney General's ability to bring or defend an action in a proprietary capacity on behalf of and representing such entity. In addition, the bill provides that the Attorney General may bring an action to obtain the remedy of disgorgement to prevent unjust enrichment by a party who profits from committing unfair trade practices. Materials drafted or prepared by, or shared with, the Attorney General or his staff for law enforcement purposes during an investigation of unfair trade practices are considered privileged.

The Office of Attorney General reports this bill will have no expenditure impact because the agency will administer the responsibilities resulting from the bill with existing staff and resources.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director