



# 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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**Bill Number:** S. 0385 Introduced on February 26, 2025  
**Subject:** Women's Childbirth Alternatives, Resources, and Education Act  
**Requestor:** Senate Corrections and Penology  
**RFA Analyst(s):** Gardner and Boggs  
**Impact Date:** April 24, 2025

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### Fiscal Impact Summary

This bill creates the “Women’s Childbirth Alternatives, Resources, and Education Act,” which enables certain pregnant women sentenced to a correctional facility to defer sentencing until twelve weeks postpartum.

Judicial and the Department of Corrections (Corrections) each indicate this bill will have no expenditure impact as it does not create a new cause of action, and the agencies anticipate being able to manage any additional responsibilities due to this bill within existing appropriations.

The Department of Probation, Parole and Pardon Services reports that passage of the bill will result in an annual expense of approximately \$38,459, which it intends to manage using existing staff and resources.

The fiscal impact for the Department of Health and Human Services (DHHS) is pending, contingent upon a response from the agency.

Revenue and Fiscal Affairs (RFA) surveyed the counties and the Municipal Association of South Carolina (MASC) on behalf of municipalities as to any expenditure impact related to passage of the bill. Both responding counties anticipate this bill will have no expenditure impact on the county. However, MASC notes a number of uncertainties related to the bill’s provisions that, depending upon the interpretation of the bill, may result in an increase in local expenses.

### Explanation of Fiscal Impact

#### Introduced on February 26, 2025

#### State Expenditure

This bill creates the “Women’s Childbirth Alternatives, Resources, and Education Act,” which enables certain pregnant women sentenced to a correctional facility to defer sentencing until twelve weeks postpartum. During the deferment, participants in this program will serve a pre-incarceration term of probation, at which time of the payment of fines, fees, restitution, and probation fees will be suspended. Service credit for the probationary period will be applied towards the initial sentence or disposition. Participants must present to the applicable correctional facility at twelve weeks postpartum; those failing to do so will be charged with a Class A misdemeanor. A participant must maintain adequate perinatal health and report any

pregnancy loss to the overseeing probation officer. The court will have discretion as to whether a participant who suffers a pregnancy loss must surrender to the assigned correctional facility. The bill also requires every state and local correctional facility to provide to DHHS an annual report containing data related to the number of women who are incarcerated, the number of pregnant women incarcerated, and the number of women who declined deferred sentencing.

Judicial and Corrections each indicate this bill will have no expenditure impact as it does not create a new cause of action, and the agencies anticipate being able to manage any additional responsibilities due to this bill within existing appropriations.

**Department of Probation, Parole and Pardon Services.** Since calendar year 2023, there has been an average of 10.33 pregnant women admitted annually to Correction’s facilities. The average daily cost to supervise an offender who is on probation is \$10.20. Assuming the same data pattern continues, the department anticipates passage of the bill will increase agency costs by \$38,459 annually, assuming a 365-day time frame for both the pre-incarceration term and the twelve-week postpartum period. The department reports that it is unclear as to when it will be able to collect probation fees from these offenders, as the bill suspended the payment of these fees during the pre-incarceration period. However, the agency intends to utilize existing staff and resources to manage the anticipated expenditure impact resulting from the expected increase in the number of probationers.

The fiscal impact for DHHS is pending, contingent upon a response from the agency.

#### **State Revenue**

N/A

#### **Local Expenditure**

RFA surveyed the counties and MASC on behalf of municipalities as to any expenditure impact related to passage of the bill. Chesterfield County and Florence County indicated the bill will have no impact. Additionally, MASC indicated that it does not expect the bill to have an expenditure impact on municipal courts.

Further, MASC noted that there are 5 municipal governments which operate detention centers and 153 which operate holding cells and expressed concern that as the bill does not define “local detention facility” it is unclear whether these centers or holding cells would be subject to the provisions of the bill. MASC further indicated that requiring municipal law enforcement staff to administer urine pregnancy tests at local facilities and to report positive results to the county health departments and courts will require more than half of the municipal law enforcement agencies statewide to amend their intake procedures, creating a significant administrative burden. Due to the uncertainty in how the bill may apply to municipalities, this bill may have an undetermined expenditure impact on local governments.

#### **Local Revenue**

N/A



Frank A. Rainwater, Executive Director