



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. 0426 | Introduced on March 5, 2025 |
| Subject: | Circuit Public Defenders | |
| Requestor: | Senate Judiciary | |
| RFA Analyst(s): | Gardner | |
| Impact Date: | March 19, 2025 | |

Fiscal Impact Summary

This bill authorizes the Governor to, with the advice and consent of the Senate, appoint circuit public defenders. These appointments are currently made by an elected panel of attorneys within each judicial circuit.

The Governor's Office and the Senate anticipate this bill will have no expenditure impact. Both anticipate being able to manage the responsibilities of this bill within the normal course of business.

The Commission on Indigent Defense (CID) indicated this bill may have an expenditure impact depending upon whether the appointment of a new circuit public defenders ends an uncompleted term of service for a circuit public defender. This bill specifies that an appointment for a circuit public defender will begin on July 1st of the appropriate year. The sixteen state circuit defenders currently serve four-year terms that are based on their respective dates of election by their respective circuit's Circuit Public Defender Selection Panel. CID expressed concern that if a public defender is not allowed to complete his elected term of service, the defender may file a claim for compensation for the outstanding portion of his term. In such case, CID may be responsible for paying the claim while simultaneously having to pay for a circuit defender newly appointed by the Governor.

Explanation of Fiscal Impact

Introduced on March 5, 2025

State Expenditure

This bill authorizes the Governor to, with the advice and consent of the Senate, appoint circuit public defenders. These appointments are currently made by an elected panel of attorneys within each judicial circuit. The bill also modifies the method by which circuit public defender candidates may be recommended for appointment. A weighted majority of the Senatorial delegation representing the judicial circuit must submit to the Governor the names of three candidates, of whom the Governor will appoint one to serve as the circuit public defender for a term of four years. The Governor may reappoint a circuit public defender for successive terms, remove a circuit public defender from office, and/or appoint a successor to fill a vacancy for an unexpired term.

The Governor's Office and the Senate anticipate this bill will have no expenditure impact. Both anticipate being able to manage the responsibilities of this bill within the normal course of business.

This bill specifies that an appointment for a circuit public defender will begin on July 1st of the appropriate year. The sixteen state circuit defenders currently serve four-year terms that are based on their respective dates of election by their respective circuit's Circuit Public Defender Selection Panel. CID expressed concern that if a public defender is not allowed to complete his elected term of service, the defender may file a claim for compensation for the outstanding portion of his term. In such case, CID may be responsible for paying the claim while simultaneously having to pay for a circuit defender newly appointed by the Governor. Therefore, this bill may have an undetermined expenditure impact on CID, depending upon whether the appointment of a new circuit public defenders ends an uncompleted term of service for a circuit public defender.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director