



# 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. 0716      Introduced on January 13, 2026  
**Subject:** Bonds  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** January 14, 2026

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### Fiscal Impact Summary

This bill excludes a defendant charged of a felony offense involving a firearm or drugs from posting cash in an amount not to exceed 10 percent in lieu of posting bond. The bill also modifies provisions related to bail and recognizances to add new conditions that the court be considered by the conditions of release that will assure appearance, including the law enforcement officers observations of the defendants mental condition that may require the individual to be transported for the purposes of an emergency psychiatric evaluation.

This bill may impact the workload of the court system, the Commission of Indigent Defense, and the Commission on Prosecution Coordination. Judicial anticipates the responsibilities of this bill can be managed within the normal course of business. The Commission on Prosecution Coordination and the Commission on Indigent Defense anticipate being able to manage any additional responsibilities due to this bill within existing appropriations. However, the Commission on Indigent Defense indicates that if this bill results in a significant increase in workload, the agency may request an additional General Fund appropriation.

Revenue and Fiscal Affairs (RFA) contacted all counties and the Municipal Association of South Carolina (MASC) to determine the local impact. We received responses from the counties of Abbeville, Florence, and Horry. Florence County and Horry County anticipate any additional responsibilities due to this bill can be managed within existing resources. Abbeville County anticipates an increase of \$69,286 in recurring expenses for personnel, as well as up to \$1,400 in non-recurring expenses for the purchase of new equipment to manage the increase in the magistrate court caseload for bonds and other hearings. Additionally, Judicial and Horry County noted this bill may result in an increase in the number of emergency psychiatric evaluations. The potential impact of any increase will vary as the process for an emergency psychiatric evaluation varies among the counties.

MASC indicates that implementation of the bill may increase the number of individuals held in municipal custody prior to trial, which may result in higher pretrial detention costs for municipalities. However, this cost would vary based on the municipalities' individual contract agreements.

## **Explanation of Fiscal Impact**

**Introduced on January 13, 2026**

### **State Expenditure**

This bill excludes a defendant charged of a felony offense involving a firearm or drugs from posting cash in an amount not to exceed 10 percent in lieu of posting bond. The bill also modifies provisions related to bail and recognizances by adding new conditions that may be considered by the court in determining whether to release an offender from custody. The bill provides that the court may, in determining whether to release an offender, consider a law enforcement officer's concerns about the offender's mental condition. The bill also provides that when determining whether to release an offender from custody, the court must consider whether the arresting officer directly observed behavior that may cause the offender to be transported for administration of an emergency psychiatric evaluation or may require the court to order the offender to seek medical treatment upon release.

This bill may impact the workload of the court system, the Commission of Indigent Defense, and the Commission on Prosecution Coordination. Judicial anticipates the responsibilities of this bill can be managed within the normal course of business. The Commission on Prosecution Coordination and the Commission on Indigent Defense anticipate being able to manage any additional responsibilities due to this bill within existing appropriations. However, the Commission on Indigent Defense indicates that if this bill results in a significant increase in workload, the agency may request an additional General Fund appropriation.

### **State Revenue**

N/A

### **Local Expenditure**

This bill excludes a defendant charged of a felony offense involving a firearm or drugs from posting cash in an amount not to exceed 10 percent in lieu of posting bond. The bill also modifies provisions related to bail and recognizances to add new conditions that the court be considered by the conditions of release that will assure appearance, including the law enforcement officers observations of the defendants mental condition that may require the individual to be transported for the purposes of an emergency psychiatric evaluation.

RFA surveyed the counties and the Municipal Association of South Carolina as to the potential fiscal impact of the bill. Abbeville County, Florence County, and Horry County, as well as the MASC provided responses.

Abbeville County indicated that the bill would increase magistrate court caseloads for bond and other hearings, requiring the county to increase the hours of one or more part-time judges and to promote a part-time clerk to a full-time clerk. Implementation of the bill would cause Abbeville County to incur \$69,286 in recurring General Funds for personnel, as well \$1,000-\$1,400 in non-recurring General Funds for the purchase of new equipment. Florence County and Horry County anticipate any additional responsibilities due to this bill can be managed within existing

resources. The potential impact of any increase will vary as the process for an emergency psychiatric evaluation varies among the counties.

MASC indicates that implementation of the bill may increase the number of individuals held in municipal custody prior to trial, which may result in higher pretrial detention costs for municipalities. However, this cost would vary based on the municipalities' individual contract agreements. Implementation of the bill may also result in a reduction in the number of individuals held in municipal custody if their observed behavior by officers prompts mental health or other medical evaluation.

**Local Revenue**

N/A



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