



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. 0746 Introduced on January 13, 2026
Subject: Assault and Battery Third Degree, Graduated Penalties
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: January 14, 2026

Fiscal Impact Summary

This bill modifies provisions related to offenses for assault and battery in the third degree by establishing an enhanced penalty structure for second or subsequent offenses. The bill also specifies that cases involving assault and battery in the third degree are triable in magistrate courts.

Judicial indicates that since the bill is not expected to alter caseloads, it can absorb any expenditure impact using existing appropriations.

Revenue and Fiscal Affairs (RFA) contacted all counties and the Municipal Association of South Carolina (MASC) to determine the local impact of this bill. RFA received responses from the counties of Abbeville, Charleston, Dorchester, and Horry, as well as MASC. Charleston County, Dorchester County, Horry County and MASC all report that implementation of the bill will have no expenditure impact. Abbeville County anticipates it will need to increase the hours of existing staff, to hire new staff, and to purchase new equipment and anticipates an increase in recurring expenses of \$116,568 and non-recurring expenses between \$2,000 and \$2,800.

This bill may result in a change in the fines and fees collected in court due to enhanced fees for second and subsequent offenses. 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 the General Fund, Other Funds, and local revenue.

Explanation of Fiscal Impact

Introduced on January 13, 2026

State Expenditure

This bill changes the existing penalty structure for the misdemeanor offense of assault and battery in the third degree. Currently, any such offense is punishable by a fine of not more than \$500, imprisonment for not more than 30 days, or both. The bill provides that a person having a prior conviction for assault and battery in the third degree who commits the offense a second time is guilty of a misdemeanor and upon conviction, must be fined of not more than \$750 or imprisoned for not more than 60 days. A third or subsequent conviction of assault and battery in the third degree is a misdemeanor and the convicted must be fined not more than \$1,000 or imprisoned for not more than 90 days. The lookback period for prior convictions is five years

prior to the date of the current offense. The bill also provides that all cases involving assault and battery in the third degree are triable in magistrate courts.

Judicial indicates that while the bill will increase penalties associated with offenses involving assault and battery in the third degree, these offenses remain triable in magistrate courts and will not alter caseloads. As such, Judicial can absorb any expenditure impact using existing appropriations.

State Revenue

This bill increases the fees for second, third, and subsequent convictions of assault and battery in the third degree. This bill may result in a change in the fines and fees collected in court due to the increased fees. 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 the General Fund and Other Fund revenue.

Local Expenditure

This bill expands the penalty structure for assault and battery in the third degree and specifies that charges for assault and battery in the third degree are triable in magistrate courts. RFA surveyed the counties and MASC as to the potential fiscal impact of the bill. Abbeville County, Charleston County, Dorchester County, and Horry County, as well as MASC, provided responses to RFA's survey. Charleston County, Dorchester County, Horry County, and MASC all anticipate that implementation of the bill will have no significant expenditure impact and can be managed within existing resources. Abbeville County indicates that implementation of the bill would increase the workloads for the magistrate courts and would require the county to increase the hours of one or more part-time judges, to promote a part-time clerk to a full-time clerk. Implementation of the bill would cause Abbeville County to incur \$116,568 in recurring expenses for personnel, as well as \$2,000 to \$2,800 in non-recurring expenses for the purchase of new equipment. Therefore, Abbeville County anticipates this bill will result in an increase in expenses of up to \$119,368 in FY 2026-27 and \$116,568 each year thereafter.

Local Revenue

This bill increases the fees for second, third, and subsequent convictions of assault and battery in the third degree. This bill may result in a change in the fines and fees collected in court due to the increased fees. 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.



Frank A. Rainwater, Executive Director