



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE  
STATEMENT OF ESTIMATED FISCAL IMPACT**

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Bill Number: S. 0747      Introduced on January 13, 2026  
 Subject:                    Trespassing, Graduated Penalties  
 Requestor:                Senate Judiciary  
 RFA Analyst(s):        Gardner  
 Impact Date:            January 14, 2026

**Fiscal Impact Summary**

This bill expands the penalty structure for certain trespassing-related offenses and provides that second and subsequent offenses 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. We received responses from the counties of Abbeville, Charleston, Dillon, Dorchester, Florence and Horry. Charleston County, Dillion County, Dorchester County, Florence County, and Horry County report that implementation of the bill will have no expenditure impact. Abbeville County anticipates it will need to increase hours of existing staff and purchase new equipment, which would incur \$69,286 in recurring expenses and \$1,000 to \$1,400 in non-recurring expenses. MASC indicates that this bill may result in trespassing cases that might be transferred from municipal jurisdiction to magistrate jurisdiction.

This bill may result in a change in the fines and fees collected in court. 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 due to the change in fines and fees collections in court.

**Explanation of Fiscal Impact**

**Introduced on January 13, 2026**

**State Expenditure**

This bill changes the existing penalty structure for the following offenses:

<b>Section 16-11-600: Unlawful Trespass Upon Land of Another When There is Posting Prohibiting Trespassing - Misdemeanor</b>		<b>Expanded Penalty Structure Proposed Under Section 16-11-645 - Misdemeanor</b>	
<i>Current Penalty Structure</i>			
Any Offense	Fine of ≤ \$100 or imprisonment ≤ 30 days	1 <sup>st</sup> Offense	Fine of ≤ \$100, or imprisonment ≤ 30 days

		2 <sup>nd</sup> Offense	Fine of ≤ \$750, or imprisonment ≤ 60 days
		3 <sup>rd</sup> or Subsequent Offense	Fine of ≤ \$1,000, or imprisonment ≤ 90 days
<b>Section 16-11-610: Unlawful Trespass Upon Land of Another to Hunt/Fish/Trap, Gather Vegetation, or Harvest Timber - Misdemeanor</b>		<b>Expanded Penalty Structure Proposed Under Section 16-11-645 - Misdemeanor</b>	
<i>Current Penalty Structure</i>			
1 <sup>st</sup> Offense	Fine of ≤ \$200 or imprisonment ≤ 30 days	1 <sup>st</sup> Offense	Fine of ≤ \$200 or imprisonment ≤ 30 days
2 <sup>nd</sup> Offense	Fine of ≥ \$100 but ≤ \$200 or imprisonment ≤ 30 days	2 <sup>nd</sup> Offense	Fine of ≤ \$750 or imprisonment ≤ 60 days
3 <sup>rd</sup> or Subsequent Offense	Fine of ≥ \$500 but ≤ \$1,000, imprisonment ≤ 6 months, or both	3 <sup>rd</sup> or Subsequent Offense	Fine of ≤ \$1,000 or imprisonment ≤ 90 days
<b>Section 16-11-620: Refusal to Leave Home, Business, or Other Premises After Warning or Request - Misdemeanor</b>		<b>Expanded Penalty Structure Proposed Under Section 16-11-645 - Misdemeanor</b>	
<i>Current Penalty Structure</i>			
Any Offense	Fine of ≤ \$200 or imprisonment ≤ 30 days	1 <sup>st</sup> Offense	Fine of ≤ \$200 or imprisonment ≤ 30 days
		2 <sup>nd</sup> Offense	Fine of ≤ \$750 or imprisonment ≤ 60 days
		3 <sup>rd</sup> or Subsequent Offense	Fine of ≤ \$1,000 or imprisonment ≤ 90 days
<b>Section 16-11-625: Trespass at Public Library - Misdemeanor</b>		<b>Expanded Penalty Structure Proposed Under Section 16-11-645 - Misdemeanor</b>	
<i>Current Penalty Structure</i>			
Any Offense	Fine of ≤ \$200 or imprisonment ≤ 30 days	1 <sup>st</sup> Offense	Fine of ≤ \$200 or imprisonment ≤ 30 days
		2 <sup>nd</sup> Offense	Fine of ≤ \$750 or imprisonment ≤ 60 days
		3 <sup>rd</sup> or Subsequent Offense	Fine of ≤ \$1,000 or imprisonment ≤ 90 days
<b>Section 16-11-630: Refusal to Leave Certain Public Premises During Regular Hours of Closure - Misdemeanor</b>		<b>Expanded Penalty Structure Proposed Under Section 16-11-645 - Misdemeanor</b>	
<i>Current Penalty Structure</i>			

Any Offense	Fine of ≤ \$100 or imprisonment ≤ 30 days	1 <sup>st</sup> Offense	Fine of ≤ \$100 or imprisonment ≤ 30 days
		2 <sup>nd</sup> Offense	Fine of ≤ \$750 or imprisonment ≤ 60 days
		3 <sup>rd</sup> or Subsequent Offense	Fine of ≤ \$1,000 or imprisonment ≤ 90 days
<b>Section 16-11-640: Unlawful Entry into Enclosed Places Between 6:00 PM and 6:00 AM - Misdemeanor</b>		<b>Expanded Penalty Structure Proposed Under Section 16-11-645 - Misdemeanor</b>	
<i>Current Penalty Structure</i>			
Any Offense	Fine of ≥ \$25 but ≤ \$200 or imprisonment ≤ 30 days	1 <sup>st</sup> Offense	Fine of ≥ \$25 but ≤ \$200 or imprisonment ≤ 30 days
		2 <sup>nd</sup> Offense	Fine of ≤ \$750 or imprisonment ≤ 60 days
		3 <sup>rd</sup> or Subsequent Offense	Fine of ≤ \$1,000 or imprisonment ≤ 90 days

Judicial indicates that since the offenses will remain triable in magistrate courts and will not alter caseloads, it can absorb any expenditure impact using existing appropriations.

### State Revenue

This bill may result in a change in the fines and fees collected in court since it increases penalties associated with trespassing convictions. This bill may result in a change in the fines and fees collected in court. 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 Funds revenue due to the change in fines and fees collections in court.

### Local Expenditure

This bill expands the penalty structure for certain trespassing-related offenses and provides that second and subsequent offenses are triable in magistrate courts. RFA surveyed South Carolina counties and MASC as to the potential fiscal impact of the bill. Abbeville County, Charleston County, Dillon County, Dorchester County, Florence County, and Horry County, as well as MASC, provided responses to RFA's survey.

Charleston County, Dillon County, Dorchester County, Florence County, and Horry County indicate that implementation of the bill will have no significant expenditure impact and that they can manage resultant changes within existing resources.

Abbeville County indicates that the bill would increase magistrate court caseloads, 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 expenses for personnel, as well as \$1,000 to \$1,400 in non-recurring expenses for the

purchase of new equipment. Therefore, Abbeville County anticipates this bill will increase expenses by as much as \$70,686 in FY 2026-27 and \$69,268 each year thereafter.

MASC indicates the current statutory penalty limitations for these trespassing offenses allow them to be heard in municipal court when the fine is not more than \$100 or magistrate court when the fine is not more than \$500. While the bill removes the penalty limitation for magistrate courts, it does not remove the penalty limitation for municipal courts; as such, it is possible that a number of the trespassing cases currently heard in municipal courts could now be heard in magistrate courts, which may result in a neutral or net positive expenditure impact for municipalities.

### **Local Revenue**

This bill may result in a change in the fines and fees collected in court since it increases penalties associated with trespassing convictions. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. RFA anticipates this bill may result in a change to local revenue due to the change in fines and fees collections in court.



Frank A. Rainwater, Executive Director