



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
 (803)734-0640 • RFA.SC.GOV/IMPACTS

Bill Number: S. 0003
 Author: L. Martin
 Requestor: Senate Judiciary
 Date: January 14, 2015
 Subject: Criminal Domestic Violence Offenses and Penalties

Estimate of Fiscal Impact

	FY 2015-16	FY 2016-17
State Expenditure		
General Fund	N/A	N/A
Other and Federal	N/A	N/A
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	N/A	N/A
Other and Federal	N/A	N/A
Local Expenditure	N/A	N/A
Local Revenue	N/A	N/A

Fiscal Impact Summary

The Department of Corrections indicated this bill is expected to significantly impact state expenditures. The Judicial Department has estimated that this bill will have a minimal impact on the General Fund of the State, which the agency can absorb at their current level of funding.

Explanation of Fiscal Impact

State Expenditure

Senate Bill 3 restructures the criminal domestic violence offences into degrees and provides penalties. This bill also provides that it is unlawful for a person convicted of a criminal domestic violence offense or a person subject to an order of protection for domestic violence to ship, transport, or receive a firearm or ammunition. Finally, the bill would provide necessary definitions to establish a procedure for the issuance of permanent civil no-contact orders and to provide a penalty for violation of civil no-contact orders.

Department of Corrections. The agency reports that this bill will have a cost to the General Fund, but the extent of the increased expenditures cannot be determined due to the uncertain increase in the prison population from the provisions of this bill. This bill establishes degrees of criminal domestic violence (CDV) that are determined by the elements of the crime as well as by the existence of prior criminal domestic violence offences. The agency also reports that there are currently 584 inmates at the South Carolina Department of Corrections (SCDC) who have been convicted of CDV, which is 2.7% of the inmate population. The official annual average cost of an inmate at the Department of Corrections is \$19,137. Furthermore, the agency indicates that

establishing a new crime of violation of no-contact orders with imprisonment penalties would significantly increase admissions and prison populations, thus incurring more cost to the agency.

Judicial Department. This proposed legislation, restructures criminal domestic violence offenses into degrees and provides penalties. This bill creates new emergency and permanent civil no-contact orders and penalties for violations. This legislation also requires the circuit court to provide self-represented litigants with permanent no-contact order complaints and motion forms. As a result of the creation of the new orders, it is anticipated that additional hearings will be held in family, circuit, and magistrates courts. It is anticipated that any additional costs would likely be absorbed by the General Fund. However, should this legislation result in a significant number of additional hearings, it could increase the backlog for the family, circuit, and magistrate courts. Additional education on the restructured offenses and new orders would be required but those costs would also be absorbed by the General Fund.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater
Executive Director

Analyst(s): Gardner, Shealy