



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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<b>Bill Number:</b>	S. 0189	Introduced on January 8, 2019
<b>Author:</b>	Shealy	
<b>Subject:</b>	Torture of A Child	
<b>Requestor:</b>	Senate Family and Veterans Services	
<b>RFA Analyst(s):</b>	Mitchell	
<b>Impact Date:</b>	January 24, 2019	

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### **Fiscal Impact Summary**

This bill will have no impact on the General Fund, Other Funds, or Federal Funds for the Department of Social Services, as the bill codifies existing administrative procedures of the department.

### **Explanation of Fiscal Impact**

#### **Introduced on January 8, 2019**

#### **State Expenditure**

This bill defines torture and includes these actions in the definition of child abuse and neglect. The bill authorizes the Department of Social Services (DSS) to forego reasonable efforts to preserve a family when a child is tortured. Family court is authorized to order the termination of parental rights when a parent has committed torture, has aided or abetted in torture, or has conspired to or knowingly allowed another to commit torture against a child.

The bill amends the definition of homicide by child abuse to include causing the death of a child while committing torture and knowingly aiding and abetting another person to commit torture. A person convicted of homicide by child abuse under these two added circumstances must be imprisoned for life, or imprisoned for a term of not less than twenty years, respectively.

Additionally, the bill adds two new offenses providing that it is unlawful for a child's parents or guardian, an adult with whom the child's parent or guardian is cohabitating, or any other person responsible for a child's welfare to torture a child or knowingly allow another person to torture a child. The penalty for torture of a child includes imprisonment for life but not less than a term of twenty years. The penalty for knowingly allowing another person to torture a child is imprisonment for a term not less than ten years.

DSS indicates that this bill codifies existing administrative procedures of the agency regarding family preservation efforts and termination of parental rights. Since DSS is complying with the requirements of the legislation, this bill will not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

#### **State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director