



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	S. 0444	Amended by the Senate on April 9, 2019
Author:	Hembree	
Subject:	Circuit Court Docket	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	April 15, 2019	

Fiscal Impact Summary

This bill alters the manner in which the general sessions court prepares the court docket. However, this bill will not have an expenditure impact on the General Fund, Other Funds, or Federal Funds of the Judicial Department, the Commission on Prosecution Coordination, or the Commission on Indigent Defense, because the bill requires the organizations to perform activities that will be conducted in the normal course of agency business, and they will manage any additional expenses within their existing appropriations.

Explanation of Fiscal Impact

Amended by the Senate on April 9, 2019

State Expenditure

Current law requires that preparation of the dockets for general sessions courts be exclusively vested in the circuit solicitor and the solicitor must determine the order in which cases on the docket are called for trial. However, this bill alters the manner in which the general sessions court prepares the court docket by requiring solicitors to develop and publish a docketing plan for their circuit. The bill provides that if the plan includes administrative appearances, those hearings are to be defined, scheduled, and conducted by the chief administrative judge for general sessions (CAJ) or his designee. The bill would also require the CAJ to schedule motion hearings, and require that certain judges preside over these hearings. The bill requires notice of the proposed docket, gives the solicitor the authority to designate terms of court as plea or trial weeks where more than 1 session of court is scheduled for the same week, and requires the CAJ to assign judges to these solicitor-designated terms. Finally, the new statute would give the defendant the right to request a trial under certain circumstances and specifies the process, relevant considerations, and duties of the CAJ.

Judicial Department. This bill alters the circuit court docketing process and alters the responsibilities of a CAJ, which could result in a number of additional hearings. This bill would increase responsibilities placed on CAJs and could result in additional pre-trial hearings. The department anticipates it would be able to absorb any impact to its General Fund, Other Funds, or Federal Funds.

Commission on Prosecution Coordination. The commission indicates that amending the manner in which offenders are scheduled for general sessions court should not result in an expenditure impact to the agency's General Fund, Other Funds, or Federal Funds.

Commission on Indigent Defense. The commission indicates that the implementation of this bill will have a minimal expenditure impact on the agency's General Fund, Other Funds, or Federal Funds, which can be managed within the agency's existing appropriations. However, should the number of required appearances by the public defenders increase for each new case, based upon the implementation of the new docketing plan, the agency may require additional funding if there is a significant increase in the number of appearances.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director