



**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.*

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**Bill Number:** S. 0965    Introduced on January 12, 2022  
**Author:** Hembree  
**Subject:** Contraband Cell Phone Act  
**Requestor:** Senate Corrections and Penology  
**RFA Analyst(s):** Gardner  
**Impact Date:** February 2, 2022

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### **Fiscal Impact Summary**

This bill creates the Contraband Cell Phone Act, which authorizes law enforcement officers to petition the circuit court to suspend or discontinue cellphone service for identified contraband cell phones within the local detention facility or prisons.

Judicial and the South Carolina Law Enforcement Division (SLED) report that the implementation of this bill will have no expenditure impact, as both agencies expect to absorb any additional expenditure within existing appropriations.

The Revenue and Fiscal Affairs Office (RFA) anticipates this bill may result in an undetermined local government expenditure impact due to the new responsibility of local law enforcement to bring a petition in circuit court.

RFA anticipates this bill may result in an undetermined impact to General Fund revenue, Other Funds revenue, and local revenue due to the potential increase in fines and fees collections in court.

The expenditure impact of the bill is pending, contingent upon a response from the Department of Corrections.

### **Explanation of Fiscal Impact**

#### **Introduced on January 12, 2022**

#### **State Expenditure**

This bill creates the Contraband Cell Phone Act which authorizes law enforcement officers to petition the circuit court to suspend or discontinue cellphone service for identified contraband cell phones within the local detention facility or prisons. The petition must show probable cause and contain sufficient identifiers for the contraband phones. Once a circuit court receives an application from a law enforcement officer, it is authorized to issue an order requiring cellular service providers to immediately suspend or discontinue service to the identified contraband phones.

**Judicial.** Judicial reports that, as this bill creates a new cause of action, there is no data available to determine the number of additional hearings or trials that would be heard in circuit courts. Judicial also indicates the bill will likely result in increased caseloads for these courts due to the cause of action and discontinuation of service. However, it expects to absorb any expenditure impact on the General Fund using current resources. Therefore, this bill will have no expenditure impact for Judicial.

**South Carolina Law Enforcement Division.** As this bill does not require SLED to perform activities that fall outside of the scope of normal agency business, it will have no expenditure impact.

**Department of Corrections.** A determination of the bill's fiscal impact is pending, as the department is still reviewing the bill.

### **State Revenue**


This bill creates a new petition application within the circuit courts. Therefore, this bill may result in an increase 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 an undetermined increase to General Fund revenue, Other Funds revenue, and local revenue due to the modifications in fines and fees collections in court.

### **Local Expenditure**

This bill allows supervising law enforcement officers who confirm the presence of contraband phones in correctional facilities to apply to the court for ex parte orders to suspend cellular service to such phones. The bill also authorizes circuit courts to issue ex parte orders requiring cellular service providers to suspend service to identified contraband cell phones. While the bill does not create a new offense for possession of a contraband phone by an inmate, the local government will be responsible for paying for the associated cost of bringing an action in court, including any court fees and fines. Therefore, RFA anticipates this bill may result in an undetermined expenditure impact to local government.

### **Local Revenue**

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Frank A. Rainwater, Executive Director