



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0129
Author: Bright
Subject: Right to Due Process Vests at Fertilization
Requestor: Senate Judiciary
RFA Analyst(s): Stein, Gardner, Kokolis, and Fulmer
Impact Date: April 19, 2016

Estimate of Fiscal Impact

	FY 2016-17	FY 2017-18
State Expenditure		
General Fund	\$46,905	\$0
Other and Federal	Undetermined	\$0
Full-Time Equivalent Position(s)	1.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill is expected to increase General Fund expenditures by at least \$46,905 beginning in FY 2016-17. To the extent possible, General Fund expenditures would be offset by Other Fund reimbursements under contracts.

Explanation of Fiscal Impact

State Expenditure

This bill amends Chapter 1, Title 1 relating to general provisions by adding Article 5 containing Section 1-1-310 stating that the constitutional right to due process under the law and equal protection under the law vest at fertilization for each born and preborn human.

Judicial Department. The Department indicates that this bill will have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

Department of Health and Environmental Control. The department reports that this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

Department of Administration / Guardian Ad Litem. The department indicates that this bill would have an expenditure impact on the General Fund and Other Funds for additional staff training and attorneys' fees. This bill will increase demand for Guardian Ad Litem (GAL) services requiring at least one additional attorney, for supervision and support, for every thirty GAL volunteers. Expenditures associated with one attorney (including salary, fringe, and operating expenses) are estimated at \$46,905 in General Fund dollars beginning in FY 2016-17.

However, due to the uncertainty surrounding the number of new cases that might result from enactment of this bill, the department is unable to determine the full expenditure impact at this time.

The Department of Administration indicates that the Guardian ad litem program currently has agreements in place with the Department of Social Services (DSS) that would allow DSS to reimburse the GAL program for a portion of eligible training expenses and attorney's fees, provided federal funding is made available to DSS to match the increased expenditures. The amount of Other Funds reimbursement depends on the number of GAL attorneys that are needed and whether or not the federal government will make additional federal funds available to DSS. All Other Fund reimbursements received by the GAL program would be used to offset attorney and operating expenditures.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director