



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0170 Signed by Governor on May 17, 2018
Author: Shealy
Subject: Child Fatality Review Team
Requestor: Senate
RFA Analyst(s): Shuford, Gardner, Heineman, and Mitchell
Impact Date: July 26, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	See Below	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	See Below	\$0
Local Revenue	See Below	\$0

Fiscal Impact Summary

The additional responsibilities for the Department of Social Services, South Carolina Law Enforcement Division, and the Department of Health and Environmental Health when serving on or providing support to local Child Fatality Review Teams will have no expenditure impact on the General Fund, Federal Funds, or Other Funds of these agencies as these duties can be managed within existing staff and budget appropriations. Expenditures to update the Office of State Treasurer’s fund allocation system will be managed within existing appropriations and allocations. Therefore, this bill will have no expenditure impact on the General Fund, Federal Funds, or Other Funds of the office. The Criminal Justice Academy indicates that the additional responsibilities of the Coroners Training Advisory Committee, which includes assisting in the determination of training requirements for coroners and performance reviews, will not require any additional personnel. Therefore, this bill will have no expenditure impact on the General Fund, Federal Funds, or Other Funds of the agency. The expenditure impact on the Commission on Prosecution Coordination, Commission on Indigent Defense, and the Department of Corrections is undetermined from the additional responsibilities resulting from the new misdemeanor offense for violating the confidentiality of information provided to the Child Fatality Review Teams. Given the lack of empirical data on the potential number of arrests and cases that will be adjudicated and the judicial discretion in sentencing, the expected impact on the caseload of these agencies is unknown. Any trials for violations of this new misdemeanor will be adjudicated generally in magistrate courts, and will not have an expenditure impact on the Judicial Department.

The Revenue and Fiscal Affairs Office (RFA) anticipates that the additional responsibilities required of county coroners’ when investigating child fatalities will have no expenditure impact

on local governments based on the limited responses received from county governments. The expenditure impact on magistrate courts and local detention facilities is undetermined given the expected rarity of violations of the new misdemeanor, the judicial discretion in sentencing, and the lack of empirical data on the potential number of convictions.

Finally, we anticipate this bill will have no revenue impact on local governments since the monthly disbursements from the State Treasurer's Office to supplement existing funds used for full-time county coroners is contingent upon the appropriation of funds or the availability of financial support from other sources. These appropriations were not funded for FY 2018-19. In addition, the expected impact on the amount of fines imposed by magistrate courts is undetermined given the judicial discretion in the amount of the fine and the lack of empirical data on the potential number of convictions.

Explanation of Fiscal Impact

Signed by Governor on May 17, 2018

State Expenditure

This bill requires the coroner of each county, within seven working days, to schedule a local Child Fatality Review Team (CFRT) to perform a review of a case where a child under the age of 18 has died. The CFRT may be comprised of a county coroner or designee, a local law enforcement officer, an agent from the State Law Enforcement Division of Child Fatalities, a board certified child abuse pediatrician, a representative for the local county department of social services, and a forensic pathologist.

Additionally, the bill requires the State Treasurer to disburse appropriated funds to supplement existing funds used for full-time county coroners. This funding is contingent upon appropriation of state general funds or the availability of financial support from other sources. This bill requires the Coroners Training Advisory Committee, appointed by the Director of the Criminal Justice Academy, to assist in the determination of the annual training requirements for coroners and deputy coroners. The committee is also required to govern the qualifications of all coroners, deputy coroners, and candidates for coroners, certify all coroners, and require coroners to appear for performance reviews.

Finally, the bill prescribes new offenses for disclosing or releasing any information, documents, and records of a CFRT by members of the team and persons attending their meeting. Violations of these confidentiality provisions is a misdemeanor, and upon conviction, a person must be fined not more than \$500 or imprisoned not more than six months, or both.

Office of the State Treasurer. The bill requires the Treasurer's Office to disburse appropriated or financial support from other sources to counties based upon the population formula specified within the bill. The Treasurer's Office indicates the Treasury Management Division (TMD) would need to modify their existing IT fund distribution system to accommodate the required distributions to each county. Expenditures to update the TMD fund distribution system will be managed within existing appropriations and allocations. Therefore, this bill will have no expenditure impact on the General Fund, Federal Funds, or Other Funds of the office.

Department of Social Services. The department indicates that the staff time required to serve on local CFRTs can be managed within existing staff and budget appropriations. Therefore, this bill will have no expenditure impact on the General Fund, Federal Funds, or Other Funds of the agency.

South Carolina Law Enforcement Division (SLED). The department indicates that the special victims unit (SVU) will be present at any child death review where SLED has an open case. The SVU is able to accommodate this need with current resources, and in some cases, this is already occurring. Therefore, this bill will have no expenditure impact on the General Fund, Federal Funds, or Other Funds of the agency.

Department of Health and Environmental Control (DHEC). The department reports about 200 child deaths each year fall into the CFRT category and are handled with existing resources. DHEC reports this information to the State Child Fatality Advisory Committee, although this bill does not impose a reporting requirement on the department. Therefore, this bill will have no expenditure impact on the General Fund, Federal Funds, or Other Funds of the agency.

Criminal Justice Academy (CJA). This bill requires the Coroners Training Advisory Committee, appointed by the Director of the Criminal Justice Academy, to assist in the determination of the annual training requirements for coroners and deputy coroners. The committee is also required to govern the qualifications of all coroners, deputy coroners, and candidates for coroners, certify all coroners, and require coroners to appear for performance reviews. While the bill allows the committee to hire an administrative assistant if necessary, the CJA indicates that the additional responsibilities of the committee will not require any additional personnel. Therefore, this bill will have no expenditure impact on the General Fund, Federal Funds, or Other Funds of the agency.

Judicial Department. Based on the penalties prescribed for the new misdemeanor offense, any trials generally will be handled in magistrate courts. As such, this bill is not expected to have an expenditure impact on the Judicial Department.

Commission on Prosecution Coordination. RFA anticipates that violations of the new confidentiality provisions by members of a CFRT and persons attending their meetings will be rare. Given the lack of empirical data on the potential number of arrests and cases that will be adjudicated, the expected impact on the caseload of the commission is unknown. Therefore, the expenditure impact of the bill on the General Fund, Federal Funds, or Other Funds of the commission is undetermined.

Commission on Indigent Defense. RFA anticipates that violations of the new confidentiality provisions by members of a CFRT and persons attending their meetings will be rare. Given the lack of empirical data on the potential number of arrests and cases that will be adjudicated, the expected impact on the caseload of the commission is unknown. Therefore, the expenditure impact of the bill on the General Fund, Federal Funds, or Other Funds of the commission is undetermined.

Department of Corrections. Since the sentence for a conviction under the new misdemeanor may exceed 90 days, convictions pursuant to this bill may increase the number of offenders incarcerated by the department. However, RFA anticipates that violations of the new confidentiality provisions by members of a CFRT and persons attending their meetings will be rare. For this reason, the judicial discretion in sentencing, and the lack of empirical data on the potential number of convictions, the expected impact on the number of offenders incarcerated by the department is unknown. Therefore, the expenditure impact of the bill on the General Fund, Federal Funds, or Other Funds of the department is undetermined.

State Revenue

N/A

Local Expenditure

County Coroners. The bill adds additional responsibilities of county coroners' when investigating child fatalities. RFA contacted twenty-three county governments and did not receive any responses that itemized additional expenditures. Based upon the limited responses received, we anticipate this bill will have no expenditure impact on local governments.

Magistrate Court. The new misdemeanor offense created by this bill will be adjudicated generally in magistrate courts. However, RFA anticipates that violations of the new confidentiality provisions by members of a CFRT and persons attending their meetings will be rare. For this reason and there is no data available upon which to estimate the number of hearings or trials that may be initiated. As such, the expenditure impact of this bill on magistrate courts is undetermined.

Detention Facilities. Since the sentence for a conviction under the new misdemeanor can include incarceration, convictions pursuant to this bill of less than 90 days may increase the number of offenders incarcerated by local detention facilities. However, RFA anticipates that violations of the new confidentiality provisions by members of a CFRT and persons attending their meetings will be rare. For this reason, the judicial discretion in sentencing, and the lack of empirical data on the potential number of convictions, the expected impact on the number of offenders incarcerated by local detention facilities is unknown. Therefore, the expenditure impact of the bill on local detention facilities is undetermined.

Local Revenue

Contingent upon appropriation of funds or the availability of financial support from other sources, each county treasurer would receive monthly disbursements from the State Treasurer's Office to supplement existing funds used for full-time county coroners. Since additional appropriations were not funded for FY 2018-19, we anticipate this bill will have no revenue impact on local governments.

While the new misdemeanor sentence provides for a fine of not more than \$500, RFA anticipates that violations of the new confidentiality provisions by members of a CFRT and persons attending their meetings will be rare. For this reason, the judicial discretion in the amount of the fine, and the lack of empirical data on the potential number of convictions, the expected impact on the amount of fines imposed by magistrate courts is undetermined. Existing law distributes revenue generated from fines, assessments, and surcharges imposed in magistrate courts among

the General Fund, specified state agencies and programs, and local governments pursuant to Article 1 of Title 14 of the South Carolina Code of Laws.



Frank A. Rainwater, Executive Director