



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0443 Signed by Governor on May 19, 2017
Author: Campsen
Subject: Night Hunting
Requestor: Senate
RFA Analyst(s): Gardner and Shuford
Impact Date: January 16, 2018

Estimate of Fiscal Impact

| | FY 2017-18 | FY 2018-19 |
|----------------------------------|-------------------|-------------------|
| State Expenditure | | |
| General Fund | \$0 | \$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 | \$0 | \$0 |
| Local Revenue | Undetermined | \$0 |

Fiscal Impact Summary

This bill would have no expenditure impact on the General Fund, Other Funds, or Federal Funds because all agencies impacted by this bill anticipate that any expenditure would be minimal and could be managed within existing budgets. We are unable to determine the revenue impact on local governments given the judicial discretion permitted in the bill as to the amount of fines, length of imprisonment, or both.

Explanation of Fiscal Impact

Signed by Governor on May 19, 2017

State Expenditure

This bill restructures existing provisions related to night hunting. Additionally, this bill modifies and updates the penalties for violations associated with night hunting. Also, this bill specifies certain cases may be heard in magistrate’s court.

Further, this bill adds new provisions relating to night hunting to include adding turkey to those provisions related to night hunting deer and bear. Provisions relating to property registered for night hunting feral hogs, coyotes, and armadillos are amended along with penalties associated with violating these new provisions.

Commission on Indigent Defense. The bill creates new violations which may add to the number of indigent defendants in the state; however, expected violations are so few that the

commission reports it does not expect the bill to have any substantive expenditure impact on the General Fund, Federal Funds, or Other Funds.

Prosecution Coordination Commission. The commission reports that it does not expect the bill to have any substantive expenditure impact on the General Fund, Federal Funds, or Other Funds as a significant increase in the number of prosecutions and cases is not expected due to this bill's new violations.

Department of Corrections. The department reports that it does not expect the bill to have a significant expenditure impact on the General Fund, Federal Funds, or Other Funds, this bill is likely to result in few, if any, new inmates for the Department of Corrections.

Department of Natural Resources. This bill restructures the existing provisions related to night hunting. As the department already conducts night hunting investigations and registers property for approved night hunting activities, it expects the bill to have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

Judicial Department. This bill restricts night hunting of certain wildlife, adds turkey to the list of animals covered by provisions related to unlawful wildlife hunting, and revises certain penalty provisions. In addition, the bill creates four new offenses (three under Section 50-11-705 and one under Section 50-11-715), which will be heard in summary court and general sessions court. Additionally, the revision of Section 50-11-710 now allows first offense violations to be heard in magistrate court, whereas magistrates could only hear certain types of first offenses under the previous rule. The bill also reduces some penalties from general sessions to summary court level charges. In FY 2015-16, there were no cases in general sessions court related to the offenses in this bill.

The bill creates new offenses; however, there are no data to determine the additional number of hearings or trials that may be initiated in the courts. The department expects to manage any additional General Fund expenditures due to an increase in the number of cases within current resources. However, should the bill result in a significant number of additional hearings and trials, it could lead to an increased backlog for common pleas and general sessions courts.

State Revenue

N/A

Local Expenditure

The revision of Section 50-11-710 now allows first offense violations to be heard in magistrate court, whereas magistrates could only hear certain types of first offenses under the previous rule. The bill also creates new offenses whose cases may be heard in summary courts. There is no data to determine the number of additional cases that may be initiated as a result of the bill. However, local governments and municipalities expect to manage any expenditure impact within current resources.

Local Revenue

This bill lessened the fines assessed and adds some new violations associated with night hunting provisions. Given the judicial discretion permitted in this bill in choosing the amount of fines,

Frank A. Rainwater, Executive Director

imprisonment, or both for these convictions, we are unable to determine the revenue impact of this bill on the local governments.

A handwritten signature in blue ink, appearing to read "Frank A. Rainwater". The signature is fluid and cursive, with a prominent flourish at the end.

Frank A. Rainwater, Executive Director