



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** H. 3545 As signed by the Governor on April 21, 2016  
**Author:** Gambrell  
**Subject:** Arson  
**Requestor:** House of Representatives  
**RFA Analyst(s):** Gardner and Williams  
**Impact Date:** October 4, 2016

**Estimate of Fiscal Impact**

	<b>FY 2016-17</b>	<b>FY 2017-18</b>
<b>State Expenditure</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
<b>State Revenue</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
<b>Local Expenditure</b>	\$0	\$0
<b>Local Revenue</b>	\$0	\$0

**Fiscal Impact Summary**

This bill as amended would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

**Explanation of Fiscal Impact**

**Explanation of Bill as Signed by the Governor on April, 21 2016**

**State Expenditure**

This bill as amended revises the Omnibus Crime Reduction and Sentencing Reform Act of 2010 by amending Section 16-11-110 to restructure the elements of the degrees of arson. The bill also amends various other sections in the Act to provide for the return of firearms or ammunition to an innocent owner under certain circumstances and pursuant to specified procedures; prescribe the method by which the Department of Probation, Parole, and Pardon Services must give notice of proceedings associated with administrative monitoring, and establish presumptive proof of notice; change some prior convictions as considerations when sentencing for controlled substance offenses; and prohibit the Department of Motor Vehicles clearing certain driver's license suspensions during an annual amnesty period. Finally, the bill amends provisions specifying mandatory minimum sentences and proscribing suspension and conditional release for youthful offenders convicted in general sessions court of burglary in the second degree, so that these sentencing and release provisions apply only to those youthful offenders convicted pursuant to section 16-11-312(B).

**Judicial Department.** The Department indicates that this bill will have no expenditure impact on the General Fund, Federal Funds, or Other Funds. During fiscal year 2013-2014, there were

205 charges and 101 convictions for arson in the first, second or third degree in South Carolina state courts. There is no data available which would allow the Judicial Department to determine how many additional charges, if any, would be brought as a result of the amended bill. However, if any additional hearings or trials would be held in General Sessions court as a result of this legislation, it is anticipated the Judicial Department would absorb this cost.

**Department of Corrections.** The bill will affect sentencing for some youthful offenders convicted of second degree burglary and defendants convicted of controlled substance offenses. The department does not maintain data in the level of detail needed to project any changes in the rate or length of incarceration of persons who might be committed to the custody of the department pursuant to this legislation. Although the department is unable to estimate the expenditure impact of the bill, the department expects to manage any additional expense within its existing appropriations.

**Prosecution Coordination Commission and Indigent Defense.** The bill revises sentencing provisions for some youthful offenders and defendants convicted of controlled substance offenses. In addition, the bill revises the elements of the crime of arson in the first, second and third degrees. The Prosecution Coordination Commission and Indigent Defense report that the change in sentencing provisions and elements of the crime of arson will not affect expenditures for prosecution or defense of persons charged with the relevant crimes.

**Department of Probation, Parole, and Pardon.** The Department indicates that this bill will have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

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

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

**Explanation of Amendment by the House of Representatives on March 24, 2015**

**State Expenditure**

This bill specifically includes personal property and certain other buildings or property, such as churches, municipal buildings, ships and railway cars, within the purview of the first, second and third degree arson statutes. These offenses are heard in General Sessions court.

During fiscal year 2013-2014, there were 205 charges and 101 convictions for arson in the first, second or third degree in South Carolina state courts. There is no data available which would allow the Judicial Department to determine how many additional charges, if any, would be brought as a result of the proposed bill. However, if any additional hearings or trials would be

held in General Sessions court as a result of this legislation, it is anticipated the Judicial Department would absorb this cost. It is also anticipated that the passage of this bill could impact the General Sessions court docket if additional hearings and trials are held. This bill will have minimal impact on the General Fund and Other Funds. This bill will have no impact on Federal Funds. Any additional costs would be absorbed by the Judicial Department.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director