



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** H. 4547 As amended by House Judiciary on March 10, 2016  
**Author:** Rutherford  
**Subject:** Raising the Age a Person Prosecuted as a Juvenile from 17 to 19 Years  
**Requestor:** House Judiciary  
**RFA Analyst(s):** Gardner and Wren  
**Impact Date:** April 15, 2016

**Estimate of Fiscal Impact**

	FY 2016-17	FY 2017-18
<b>State Expenditure</b>		
General Fund	\$52,463,148	\$21,426,314
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	466.00	0.00
<b>State Revenue</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
<b>Local Expenditure</b>	(\$3,680,000)	(\$3,680,000)
<b>Local Revenue</b>	\$0	\$0

**Fiscal Impact Summary**

House Bill 4547 as amended will have a recurring and non-recurring General Fund expenditure impact of \$52,463,148 for FY 2016-17, as well as a recurring General Fund expenditure impact of \$21,426,314 for FY 2017-18 and each year thereafter. There is no expenditure impact on Federal Funds or Other Funds. This bill will reduce local law enforcement expenses by \$3,680,000 in FY 2016-17 and each year thereafter.

**Explanation of Fiscal Impact**

**Explanation of Amendment by the House Judiciary Committee on March 10, 2016**

**State Expenditure**

This amendment changes the juvenile justice code definition of child and juvenile from less than seventeen years of age to less than nineteen years of age. It also provides that a person sixteen years of age who is charged with a Class A, B, C, or D felony or a felony having a maximum term of imprisonment of fifteen or more years be given the right to have the case remanded to family court. In cases where the alleged offender is under the age of nineteen years, the circuit court may transfer the case to family court. The bill also specifies that juvenile probation terms may expire before but no later than the offender's nineteenth birthday and enables the court to suspend or restrict a juvenile's driver's license until the child's nineteenth birthday. Further, the bill enables the family court to commit an offender under the age of nineteen to the custody of the Department of Juvenile Justice. For certain offenses where the child has not obtained parole by the age of nineteen, the bill allows the Department of Juvenile Justice to transfer custody of the offender to the Department of Corrections.

**Department of Juvenile Justice.** The agency reports that this bill will increase General Fund expenditures by \$21,426,314 in recurring funds and \$31,036,834 in non-recurring funds in FY 2016-17. There will be no expenditure impact on Federal Funds or Other Funds. Recurring funds will be used for additional operating costs and 466 new FTEs for intake and probation/parole staff to manage the increased youth population. The agency estimates it will receive referrals for over 6,800 seventeen and eighteen year olds. Non-recurring funds will be used to construct four new male living units at the agency's Broad River Road Complex, a new Regional Evaluation Center in the Pee Dee area, and a new Juvenile Detention Center in Columbia, all of which will accommodate the increased youth population.

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

### **State Revenue**

N/A

### **Local Expenditure**

The Revenue and Fiscal Affairs Office contacted all forty-six county governments and the Municipal Association of South Carolina regarding the expenditure impact of this bill. Based on data obtained from county and municipal law enforcement agencies, it costs about \$53 per day to house seventeen year old inmates. The Department of Juvenile Justice reports that while there were 3,432 referrals of sixteen year olds to their county offices in FY 2014-15, only 1,157 were incarcerated for some period of time, with an average daily stay of approximately thirty days. However, as this bill requires the Department of Juvenile Justice (DJJ) to house both seventeen and eighteen year old inmates, assuming both groups follow a similar pattern and the number of incarcerations remains steady, we estimate that this bill will reduce local law enforcement expenses by \$3,680,000 in FY 2016-17 and each year thereafter.

### **Local Revenue**

N/A

## **Explanation of Bill Filed on December 10, 2015**

### **State Expenditure**

This bill changes the juvenile justice code definition of child and juvenile from less than seventeen years of age to less than eighteen years of age. It also provides that a person sixteen years of age who is charged with a Class A, B, C, or D felony or a felony having a maximum term of imprisonment of fifteen or more years be given the right to have the case remanded to family court. Further, it enables the circuit court to transfer to family court any cases involving children who are under the age of eighteen years at the time an alleged offense is committed; however, if such offense, when committed by an adult, would be considered a violent crime, the circuit court may retain jurisdiction. For a child under the age of eighteen who has been charged with certain offenses, the circuit court may bind over the child to whichever court would have trial jurisdiction had the offenses been committed by an adult.

**Department of Juvenile Justice.** The agency reports that this bill will increase General Fund expenditures by \$5,358,000 in recurring funds and \$10,680,142 in non-recurring funds in FY 2016-17. There will be no expenditure impact on Federal or Other Funds. Recurring funds will

be used for additional operating costs and 115 new FTEs for intake and probation/parole staff to manage the increased youth population. The agency estimates it will receive referrals for over 3,000 seventeen year olds. Non-recurring funds will be used to construct a male living unit at the agency's Broad River Road Complex and a Regional Evaluation Center in the Pee Dee area, both of which will accommodate the increased youth population.

**Department of Corrections.** The South Carolina Department of Corrections (SCDC) reports that this bill would result in an \$80,766 savings to the General Fund, as seventeen year old inmates who had previously been housed at SCDC would now be served by the Department of Juvenile Justice. The department indicates that this bill would reallocate seventy inmates at an average cost of \$6.41 per day for an average of 180 days.

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

**State Revenue**

N/A

**Local Expenditure**

The Revenue and Fiscal Affairs Office contacted all forty-six county governments and the Municipal Association of South Carolina regarding the expenditure impact of this bill. Based on data obtained from county and municipal law enforcement agencies, it costs about \$53 per day to house seventeen year old inmates. The Department of Juvenile Justice reports that while there were 3,432 referrals of sixteen year olds to their county offices in FY 2014-15, only 1,157 were incarcerated for some period of time, with an average daily stay of approximately thirty days. Assuming seventeen year olds follow a similar pattern and the number of incarcerations remains steady, we estimate that this bill will reduce local law enforcement expenses by \$1,840,000 in FY 2016-17 and each year thereafter.

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director