



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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Bill Number: S. 0003 As signed by the Governor on June 4, 2015  
 Author: L. Martin  
 Requestor: Senate Judiciary  
 Date: August 18, 2015  
 Subject: Criminal Domestic Violence Offenses and Penalties  
 RFA Analyst(s): Walling, Gardner, Fulmer, and Stein

**Estimate of Fiscal Impact**

	<b>FY 2015-16</b>	<b>FY 2016-17</b>
<b>State Expenditure</b>		
General Fund	Undetermined	N/A
Other and Federal	N/A	N/A
Full-Time Equivalent Position(s)	0.00	0.00
<b>State Revenue</b>		
General Fund	N/A	N/A
Other and Federal	N/A	N/A
<b>Local Expenditure</b>	N/A	N/A
<b>Local Revenue</b>	N/A	N/A

**Fiscal Impact Summary**

This bill is expected to increase General Fund expenditures of the Department of Corrections by an undetermined amount that will depend upon any increase in the prison population from the provisions of the bill.

**Explanation of Fiscal Impact**

**Explanation of Amendment (May 26, 2015) – By the Senate**

Senate Bill 3 as amended includes seven parts providing additional clarification and expansion of the definitions for domestic violence acts, amending other code sections referencing domestic violence offenses, and developing community programs and educational requirements. Part I of the bill as amended provides the citation of Domestic Violence Reform Act. Part II of the bill provides additional clarification and definitions for the degrees of domestic violence offenses, amends other criminal code sections to reflect the amended domestic violence sections, and provides restrictions for possession of firearms and ammunition for persons convicted of domestic violence offenses and provisions for a person to notify the State Law Enforcement Division to have ownership rights restored after the expiration of a restriction. Further, administration of the domestic violence intervention program, formerly referred to as a batterer treatment program, is moved from the Department of Social Services to the Circuit Solicitor or Attorney General’s Office, depending upon the prosecution of the offense. Part III of the bill amends Chapter 15 of Title 17 to provide requirements for bond hearings for persons charged with a domestic violence offense. Part IV amends §16-25-70 relating to arrest requirements for domestic violence, adds minors who witness domestic violence offenses to the definition of

victims of a crime eligible for compensation, and directs the Department of Social Services to study regulations and policies relating to childcare availability for domestic violence survivors. Section 20 of Part IV requires the formation of a Domestic Violence Advisory Committee and provides the composition, objectives, and procedures for the committee. Section 21 establishes community domestic violence coordinating councils under the auspices of the circuit solicitor in each county or judicial circuit and provides the purpose and requirements of the councils. Further, Section 22 of the amendment requires instruction in comprehensive health education for grades six through eight include domestic violence subject matter. Section 23 repeals §43-1-260 governing community domestic violence coordinating councils under the Department of Social Services. Part V of the bill as amended makes additional modifications to the new Article 18 of Chapter 3 of Title 16 on permanent restraining orders. Part VI of the bill amends §25-5-910 on expungement to allow persons convicted of a first offense of domestic violence in the third degree to have their record expunged after five years from the date of conviction. Part VII provides a savings clause, severability clause, and the effective date of the act.

### **State Expenditure**

**Department of Corrections.** The agency reports that this amendment will have an expenditure impact to the General Fund, but the extent of the increased expenditures cannot be determined due to the uncertain increase in the prison population from the provisions of the bill. The bill establishes degrees of criminal domestic violence (CDV), which are determined by the elements of the crime as well as by the existence of prior criminal domestic violence offenses. The agency also reports that there are currently 584 inmates at the South Carolina Department of Corrections (SCDC) who have been convicted of CDV, which is 2.7% of the inmate population. The annual average cost of an inmate at the Department of Corrections is \$19,137. Furthermore, the agency indicates that establishing a new crime of violation of no-contact orders with imprisonment penalties would significantly increase admissions and prison populations, thus incurring more cost to the agency.

The Judicial Department, Attorney General's Office, Department of Probation, Parole and Pardon Services, and South Carolina Department of Alcohol and Other Drug Abuse Services indicate the bill will have a minimal expenditure impact on each agency, which can be absorbed by the agencies through existing appropriations.

The Law Enforcement Training Council, Prosecution Coordination Commission, South Carolina Law Enforcement Division, The State's Office of Victim Assistance, Department of Social Services, Department of Mental Health, Department of Education, and Department of Health and Environmental Control indicate this amendment 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 Bill Filed on January 13, 2015****State Expenditure**

Senate Bill 3 restructures the criminal domestic violence offenses into degrees and provides penalties. This bill also provides that it is unlawful for a person convicted of a criminal domestic violence offense or a person subject to an order of protection for domestic violence to ship, transport, or receive a firearm or ammunition. Finally, the bill would provide necessary definitions to establish a procedure for the issuance of permanent civil no-contact orders and to provide a penalty for violation of civil no-contact orders.

**Department of Corrections.** The agency reports that this bill will have a cost to the General Fund, but the extent of the increased expenditures cannot be determined due to the uncertain increase in the prison population from the provisions of this bill. This bill establishes degrees of criminal domestic violence (CDV) that are determined by the elements of the crime as well as by the existence of prior criminal domestic violence offenses. The agency also reports that there are currently 584 inmates at the South Carolina Department of Corrections (SCDC) who have been convicted of CDV, which is 2.7% of the inmate population. The official annual average cost of an inmate at the Department of Corrections is \$19,137. Furthermore, the agency indicates that establishing a new crime of violation of no-contact orders with imprisonment penalties would significantly increase admissions and prison populations, thus incurring more cost to the agency.

**Judicial Department.** This proposed legislation, restructures criminal domestic violence offenses into degrees and provides penalties. This bill creates new emergency and permanent civil no-contact orders and penalties for violations. This legislation also requires the circuit court to provide self-represented litigants with permanent no-contact order complaints and motion forms. As a result of the creation of the new orders, it is anticipated that additional hearings will be held in family, circuit, and magistrates courts. It is anticipated that any additional costs would likely be absorbed by the General Fund. However, should this legislation result in a significant number of additional hearings, it could increase the backlog for the family, circuit, and magistrate courts. Additional education on the restructured offenses and new orders would be required but those costs would also be absorbed by the General Fund.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

  
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Frank A. Rainwater, Executive Director