



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	S. 0198	Introduced on January 12, 2021
Author:	Hembree	
Subject:	Civil Rights	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	March 30, 2021	

Fiscal Impact Summary

This bill makes it unlawful for any individual, regardless of race, color, religion, gender, sexual orientation, gender identity, or national origin, to conspire or act against the civil rights of another. The Judicial Department and Commission on Indigent Defense report that the activities required by the bill are part of the normal course of agency business and can be accomplished within existing appropriations. As a result, this bill does not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

The expenditure impact of the bill is pending, contingent upon a response from the Prosecution Coordination Commission.

Explanation of Fiscal Impact

Introduced on January 12, 2021

State Expenditure

This bill makes it unlawful for any individual—regardless of his race, color, religion, gender, sexual orientation, gender identity, or national origin—to conspire against the civil rights of another or to—by force or threat of force—willingly injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with any person because of his race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or political views when the person is or has been participating in activities involving voting or campaigning, programs or facilities administered by the State, travel in or use of intrastate commerce facilities, speech or peaceful assembly, and lawful business and employment. Violations of these provisions are punishable by a fine of not less than \$1,000 nor more than \$5,000, imprisonment for not more than one year, or both. If bodily injury occurs during the commission of such an act, or if such act includes the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, then the person shall be fined as noted and will also be subject to imprisonment for not more than five years.

The bill also makes it unlawful for an individual—regardless of his race, color, religion, gender, sexual orientation, gender identity, or national origin—to willfully and intentionally cause bodily injury to any person or to attempt to cause bodily injury to any person because of his race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or political views

during the commission of specific felony acts or when opposing, resisting, or assaulting a law enforcement officer serving process. Violations of these provisions are punishable by a fine of not less than \$2,500 nor more than \$7,500, imprisonment for not more than ten years, or both.

In the case that death results from any act in violation of these provisions, or if such acts include kidnapping or attempted kidnapping, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, the convicted party will be imprisoned for a minimum sentence of thirty years. Law enforcement officers will not be found in violation of these provisions when they are carrying out the duties of their office or are lawfully enforcing State or local ordinances and laws.

The bill also creates a new misdemeanor offense for falsely reporting a violation of the noted provisions, which is punishable by a fine of not less than \$500 nor more than \$2,000, imprisonment for not more than one year, or both.

Judicial Department. This bill amends the offense of conspiracy against civil rights, of which there were no cases disposed in either FY 2018-19 or FY 2019-20. Additionally, the bill creates three new offenses: (1) willfully injuring, intimidating, or interfering by force or threat of force a person because of his race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or political views because of certain lawful actions by the victim; (2) willfully causing bodily injury or attempting to cause bodily injury to a person because of his race, color, gender, disability, sexual orientation, gender identity, national origin, or political views during the commission of specific felony acts or when opposing, resisting, or assaulting a law enforcement officer; and (3) falsely reporting any such violation. The department reports that these new offenses will impact general sessions courts. However, as there is no data available with which to estimate the number of new filings, hearings, or trials that may occur, the expenditure impact on the General Fund cannot be determined. The department intends to use existing General Fund resources to manage any costs associated with an increase in general sessions caseloads.

Prosecution Coordination Commission. The expenditure impact of the bill is pending, contingent upon a response from the agency.

Commission on Indigent Defense. As the bill does not materially alter the agency's existing responsibilities, there will be no expenditure impact on the agency's General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure and Local Revenue

N/A



Frank A. Rainwater, Executive Director