



# 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.*

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<b>Bill Number:</b>	S. 0200	Signed by Governor on May 14, 2021
<b>Author:</b>	Hembree	
<b>Subject:</b>	Death by Electrocution or Lethal Injection	
<b>Requestor:</b>	Senate	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	July 22, 2021	

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### Fiscal Impact Summary

This bill provides that a person who has been convicted of a capital crime and given the death penalty may choose as his means of death electrocution, firing squad, or, if it is available at the time of election, lethal injection. The South Carolina Department of Corrections (SCDC) anticipates this bill will have no expenditure impact, since death penalty executions in South Carolina are rare.

### Explanation of Fiscal Impact

**Amended by House Judiciary on April 27, 2021**

**Introduced on January 12, 2021**

#### State Expenditure

This bill provides that a person who has been convicted of a capital crime and given the death penalty may choose as his means of death electrocution, firing squad, or, if it is available at the time of election, lethal injection. However, should execution by lethal injection be unavailable or held to be unconstitutional, the SCDC may administer the death penalty via electrocution, unless the convicted person elects death by firing squad. The bill also provides that the death penalty election for a convicted person who receives a stay of execution or whose execution date has passed will expire and must be renewed in writing fourteen days before a new execution date is established. The director of the SCDC must determine and certify, under penalty of perjury, to the Supreme Court whether the method selected is available.

**Department of Corrections.** This bill provides that a person in South Carolina who is convicted of a capital crime and sentenced to death may opt to receive death by electrocution, the firing squad, or, when the appropriate drugs are available, lethal injection. If lethal injection is not available, execution must be by electrocution, unless the convicted person elects death by firing squad.

As the drugs used for lethal injections are no longer readily available, general pricing for these drugs cannot be obtained; this renders the department unable to generate an estimate of cost savings that may be realized by the implementation of the bill. However, as there have been no death row executions in South Carolina since 2011, the department estimates the cost savings

associated with administering death by electrocution or firing squad versus death by lethal injection to be negligible. Therefore, this bill will have no expenditure impact.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director