



**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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**Bill Number:** S. 0230    Introduced on January 12, 2021  
**Author:** Shealy  
**Subject:** Sex Trafficking of Minors  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** April 12, 2021

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### **Fiscal Impact Summary**

This bill updates provisions related to trafficking in persons by including a presumption that a minor under the age of eighteen who is engaged in commercial sexual activity or sex trafficking is doing so under coercion or a reasonable fear of a threat. The Judicial Department indicates that the implementation of this bill will have no expenditure impact to the General Fund, Other Funds, or Federal Funds.

### **Explanation of Fiscal Impact**

#### **Introduced on January 12, 2021**

##### **State Expenditure**

This bill updates provisions related to trafficking in persons by including a presumption that a minor under the age of eighteen who is engaged in commercial sexual activity or sex trafficking is doing so under coercion or a reasonable fear of a threat. It also provides such minors an affirmative defense when they are under prosecution for other non-violent offenses when the offenses were committed as a direct result of, or incidental or related to, trafficking. A minor who is a victim of trafficking in persons and is convicted or adjudicated delinquent of a non-violent offense related to trafficking may motion the court to vacate the conviction or adjudication and expunge such records. The court may grant the motion should it find by a preponderance of the evidence that the minor's participation in the offense was directly or incidentally related to being a victim.

##### **Judicial Department.**

The bill provides a minor engaged in commercial sexual activity or sexual trafficking is presumed to be doing so under coercion, provides for an affirmative defense regarding nonviolent offenses incidental to trafficking, and provides a conviction may be vacated and expunged. As this bill creates a new affirmative defense for nonviolent crimes, it is not possible to calculate the reduction for the magistrate and municipal courts or General Sessions caseloads, the increased number of trials where the defense will be raised, or the number of fillings to vacate a conviction. It is anticipated that these changes can be managed within the existing budget of the Judicial Department.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director