



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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Bill Number: S. 0426 As signed by the Governor on June 1, 2015  
 Author: Sheheen  
 Requestor: Senate Judiciary  
 Date: June 15, 2015  
 Subject: Mental Health Court Program  
 RFA Analyst(s): Gardner and Shealy

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**Estimate of Fiscal Impact**

	FY 2015-16	FY 2016-17
<b>State Expenditure</b>		
General Fund	Minimal	N/A
Other and Federal	\$0	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 not expected to significantly impact State expenditures. All agencies surveyed indicated that either the costs associated with implementation would be minimal and could be absorbed, or that there would be no cost to the agency.

**Explanation of Fiscal Impact**

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

**State Expenditure**

The amendment to the bill clarifies three distinct formats under which a circuit solicitor may establish a new mental health court. Additionally, the bill contains provisions that determine an offender’s eligibility for Mental Health Court and mandates that each solicitor establish such a program. Further, the bill requires solicitors accepting state funding for the program to establish it within one hundred eighty days.

**Department of Mental Health.** There will be no fiscal impact to the Department of Mental Health (DMH) from the passage of this legislation. DMH currently provides services to eligible clients in the existing Mental Health Courts in Charleston, Greenville, and Richland counties through its Community Mental Health Services Division and utilizes Medicaid and self-pay billing methods. Additional eligible clients who may present at newly established Mental Health Courts in the state will access services in accordance with this same model.

**Judicial Department.** While there will be no impact on Federal Funds or Other Funds allotted to the Judicial Department, the passage of this bill will have a minimal fiscal impact on the agency's General Funds. The proposed bill will allow solicitors to develop Mental Health Court programs in their local areas of purview using state funds. The Chief Justice of the S.C. Supreme Court is required to appoint judges overseeing Mental Health Courts. These judges must be members in good standing of the South Carolina bar as well as either probate judges, summary court judges, or active or retired members of the state's judiciary. Service as a Mental Health Court judge is voluntary. Provided new Mental Health Courts are operated in accordance with the financial model used by the three existing Mental Health Courts, there should be no additional cost to Judicial Department General Funds.

### **Explanation of Bill Filed on February 5, 2015**

#### **State Expenditure**

Senate Bill 426 adds Chapter 31 to establish a Mental Health Court Program. The bill provides for a system that diverts mentally ill offenders to appropriate treatment programs rather than incarceration. Additionally, the bill contains provisions that determine an offender's eligibility for Mental Health Court and mandates that each solicitor establish such a program. Further, the bill requires solicitors accepting state funding for the program to establish it within one hundred eighty (180) days.

**Department of Mental Health.** There will be no fiscal impact to the Department of Mental Health (DMH) from the passage of this legislation. DMH currently provides services to eligible clients in the existing Mental Health Courts in Charleston, Greenville, and Richland counties through its Community Mental Health Services Division and utilizes Medicaid and self-pay billing methods. Additional eligible clients who may present at newly established Mental Health Courts in the state will access services in accordance with this same model.

**Judicial Department.** While there will be no impact on Federal Funds or Other Funds allotted to the Judicial Department, the passage of this bill will have a minimal fiscal impact on the agency's General Funds. The proposed bill will allow solicitors to develop Mental Health Court programs in their local areas of purview using state funds. The Chief Justice of the S.C. Supreme Court is required to appoint judges overseeing Mental Health Courts. These judges must be members in good standing of the South Carolina bar as well as either probate judges, summary court judges, or active or retired members of the state's judiciary. Service as a Mental Health Court judge is voluntary. Provided new Mental Health Courts are operated in accordance with the financial model used by the three existing Mental Health Courts, there should be no additional cost to Judicial Department General Funds.

#### **State Revenue**

N/A

#### **Local Expenditure**

N/A

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director