



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0804 Introduced on January 9, 2018
Author: Shealy
Subject: Telecommunication Device in a Correctional Facility
Requestor: Senate Corrections and Penology
RFA Analyst(s): Gardner
Impact Date: January 31, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	Undetermined	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	Undetermined	\$0
Other and Federal	\$0	\$0
Local Expenditure	Undetermined	\$0
Local Revenue	Undetermined	\$0

Fiscal Impact Summary

The expenditure and revenue impact of this bill is undetermined due to the lack of empirical data on the number of arrests and judicial discretion in sentencing for unlawful possession of a telecommunications device in a correctional facility.

Explanation of Fiscal Impact

Introduced on January 9, 2018

State Expenditure

This bill creates a new offense making it unlawful to possess within or introduce upon the grounds of a correctional facility a telecommunication device. These devices include, but are not limited to, portable two-way pagers, handheld radios, cellular telephones, personal digital assistants (PDAs), laptop computers, or any components of these devices, as well as any new technology that is developed or used for similar purposes.

Penalties are structured according to the number of offenses committed as well as the number of devices seized. A person convicted of a first offense involving fewer than three devices is guilty of a misdemeanor punishable by a fine of not more than \$500 or imprisonment for not more than 30 days, or both. A person convicted of a second offense, regardless of the number of devices, or of a first offense involving three or more devices is guilty of a misdemeanor punishable by a fine of not more than \$1,000 or imprisonment for not more than six months, or both. A person convicted of a third or subsequent offense, regardless of the number of devices, is guilty of a felony punishable by a fine of not more than \$2,000 or imprisonment for not more than one year, or both. Misdemeanor offenses must be tried in magistrates court, while felony offenses must be tried in circuit court.

Judicial Department. The department reports that as this bill creates a new offense, there is no data available to determine the number of additional hearings or trials that would be heard in general sessions courts. Should there be an increase in caseloads, the department will absorb any expenditure impact on the General Fund using current resources.

Department of Corrections. This bill, which creates a new offense making it unlawful to possess within or introduce upon the grounds of a correctional facility a telecommunication device, has the potential to increase the South Carolina Department of Corrections (SCDC) inmate population by the admission of additional persons convicted of this offense or by extending the length of stay for current inmates convicted of this offense. There is no existing data on the number of visitors, staff, or other non-inmates who may be guilty of this offense or how many of those who are convicted may be sentenced to a prison term in a SCDC facility. However, during the 2017 calendar year a total of 6,318 cellular telephones were confiscated at SCDC facilities. That same year, 597 inmates were convicted of second offenses and 1,035 inmates were convicted of third or subsequent offenses involving possession of a cellular telephone. Due to the lack of empirical data, including information on the patterns of arrests, convictions, and judicial discretion in sentencing, the expenditure impact of this bill on the General Fund is undetermined.

State Revenue

Due to the lack of empirical data, including information on the patterns of arrests, convictions, and judicial discretion in sentencing, the state revenue impact of this bill on the General Fund is undetermined.

Local Expenditure

While magistrates typically do not handle offenses subject to fines exceeding \$500 or prison terms exceeding 30 days, they do have the authority to sentence any person to consecutive terms of imprisonment totaling more than 90 days, except for convictions resulting from check fraud or shoplifting. There may be an increase in the number of cases heard because the bill requires that misdemeanor offenses, which may result in fines exceeding \$500 or prison terms exceeding 30 days, be tried in magistrates court. As these are new offenses, there is no data to estimate the number of cases that may be initiated as a result of the bill. Should there be an increased caseload, RFA anticipates that any additional local government expenditure impact will be absorbed within existing resources.

Local Revenue

Due to the lack of empirical data, including information on the patterns of arrests, convictions, and judicial discretion in sentencing, the local revenue impact of this bill is undetermined.



Frank A. Rainwater, Executive Director