



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	S. 0156	Introduced on January 8, 2019
Author:	Allen	
Subject:	Telecommunication Device in a Correctional Facility	
Requestor:	Senate Corrections and Penology	
RFA Analyst(s):	Gardner	
Impact Date:	January 17, 2019	

Fiscal Impact Summary

The Judicial Department reports that the implementation of this bill will have no expenditure on the General Fund, Other Funds, or Federal Funds as the department expects to absorb any expenditure associated with an increase in caseloads.

The Department of Corrections projects that the implementation of this bill will result in an expenditure impact on the General Fund of an undetermined amount. While the bill may increase the inmate population by the admission of new offenders and extend the prison stay for those already incarcerated who are subsequently found guilty of this offense, the increase in the overall prison population cannot be determined due to the lack of empirical data relating to the prevalence of the crime and the patterns of arrests, convictions, and sentencing.

The local expenditure impact of this bill on detention facilities is undetermined because this bill creates a new offense and the overall number of individuals who may become incarcerated at the local levels cannot be determined due to the lack of empirical data relating to the prevalence of the crime and the patterns of arrests, convictions, and judicial discretion during sentencing.

Explanation of Fiscal Impact

Introduced on January 8, 2019

State Expenditure

This bill creates a misdemeanor offense for the unlawful possession or introduction of a telecommunication device within or onto the grounds of a correctional facility, except as authorized by the official in charge of the facility. These facilities include state correctional institutions, county or municipal jails, regional detention facilities, prison camps, work camps, or overnight lockup facilities. The bill defines a telecommunication device as a device, or its apparatus or component thereof, that would enable or may be used to enable communication with a person inside or outside of a place of incarceration. Telecommunication devices include but are not limited to portable two-way pagers, handheld radios, cellular telephones, personal digital assistants, and laptop computers. Persons found guilty of violating these provisions are subject to imprisonment for no more than three years and are subject to forfeiture of all earned work, education, and good conduct credits.

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. The department indicates the bill will likely result in increased

caseloads for these courts. However, it expects to absorb any expenditure impact on the General Fund using current resources.

Department of Corrections. This bill makes it unlawful to possess within or introduce upon the grounds of a correctional facility a telecommunication device. The bill creates a misdemeanor offense punishable by a term of imprisonment for not more than three years and forfeiture of all earned work, education, and good conduct credits. While the bill may increase the inmate population by the admission of new offenders and extend the prison stay for those already incarcerated who are subsequently found guilty of this offense, the increase in the overall prison population cannot be determined due to the lack of empirical data relating to the prevalence of the crime and the patterns of arrests, convictions, and sentencing. Additionally, there is no existing data on the number of visitors, staff, or other non-inmates who may commit this offense and subsequently be convicted and sentenced to state correctional facilities.

During 2018, there were 4,695 cellular telephones confiscated at state correctional facilities, and 2,606 inmates were convicted for the unlawful possession of cellular telephones. In FY 2018-19, the variable daily cost per inmate was approximately \$8.00 (medical and food costs) and the total daily cost per inmate was approximately \$60 (includes costs for construction of additional correctional facilities). Under the provisions of the bill, the inmates found guilty in 2018 of unlawful telephone possession could have received up to an additional three years of imprisonment and have earned no work, education, or good conduct credits during their extended stay. It is presumed that if a large number of these inmates had received the maximum sentence for this offense and had to serve the additional time after completion of their current sentences, the prison population would significantly increase over time.

For each inmate currently incarcerated who is subsequently convicted of the unlawful possession of a telecommunications device and is sentenced to three additional years of imprisonment, his medical and food costs for the additional prison time would equal \$8,760 ($\$8.00 \times 365 \times 3 = \$8,760$). For each non-inmate who is subsequently convicted of unlawful possession or introduction of a telecommunications device and receives the maximum penalty, his total costs (including medical, food, and construction costs associated with building new facilities to accommodate additional prisoners) would equal \$65,700 ($\$60 \times 365 \times 3 = \$65,700$). Should a large number of inmates incur additional convictions and receive the maximum penalty for this offense, or if a significant number of non-inmates are convicted of this offense and are sentenced to prison terms, state correctional facilities could see a significant increase in both the prison population and associated costs. The department anticipates that enactment of the bill will result in an expenditure impact on the General Fund of an undetermined amount.

State Revenue

N/A

Local Expenditure

This bill makes it unlawful to possess within or introduce upon the grounds of any correctional facility, county jail, municipal jail, regional detention facility, prison camp, work camp, or overnight lockup facility a telecommunication device. This bill may increase the number of individuals incarcerated by the admission of new offenders or extending the stay for those

already incarcerated if subsequently found guilty of this offense. However, the increase in the overall number of individuals who may become incarcerated at the local levels cannot be determined due to the lack of empirical data relating to the prevalence of the crime and the patterns of arrests, convictions, and judicial discretion during sentencing.

Local Revenue

N/A



Frank A. Rainwater, Executive Director