



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
(803)734-0640 • RFA.SC.GOV/IMPACTS

Bill Number:	S. 0276	Amended by Senate Judiciary on April 10, 2019
Author:	Senn	
Subject:	Weapons	
Requestor:	House Judiciary	
RFA Analyst(s):	Gardner and Mitchell	
Impact Date:	April 29, 2019	

Fiscal Impact Summary

This bill creates a new offense triable in General Sessions Court involving weapons in public gathering places.

The Judicial Department anticipates that any expenditure impact to the General Fund, Other Funds, or Federal Funds from the increased caseload in General Sessions Court would be managed within existing resources.

The Department of Mental Health (DMH) reports the number of additional assessments and FTEs that may be needed cannot be estimated because the number of additional patients to be assessed by DMH is unknown. At the minimum, each FTE psychiatrist hired will require an additional \$237,000 in General Fund expenditures for salary, fringe, equipment, and supplies. As such, this bill will result in an undetermined increase of General Fund expenditures for DMH in FY 2019-20.

The Commission on Indigent Defense and the Department of Corrections expect to manage any increase in General Fund, Other Fund, and Federal Fund expenditures using current resources.

The Commission on Prosecution Coordination expects to manage any increase in General Fund, Other Fund, and Federal Fund expenditures using current resources. However, if the bill results in a significant caseload increase, the commission will require an additional \$50,000 in recurring General Funds for an additional prosecutor.

Any increase in expenditures from local law enforcement activity or detention in local facilities that may result from this bill is expected to be managed within each department's existing resources.

The state and local revenue from the implementation of this bill is undetermined because the bill creates new felony and misdemeanor offenses for which there is limited historical data to estimate the amount of fines that may be generated.

Explanation of Fiscal Impact

Amended by Senate Judiciary on April 10, 2019
State Expenditure

This bill creates a new offense triable in General Sessions Court. An individual who threatens, conspires, or solicits another to cause damage, serious bodily injury or death to a person, or who causes damage or destruction of a building, real property, or personal property, by use of a deadly weapon and only in certain locations, would violate this new statutory offense. The bill requires that anyone charged with this offense undergo a mental health evaluation, and, if found to require treatment, provides that they may not be prosecuted.

Judicial Department. The department reports that this bill creates a new offense and there is no data available upon which to estimate the number of hearings or trials that may be initiated in General Sessions Court as a result of this legislation. However, the department anticipates that any expenditure impact to the General Fund, Other Funds, or Federal Funds from the increased caseload in General Sessions Court would be managed within existing resources.

Department of Mental Health. The bill adds that any person charged with threatening, soliciting, or conspiring to cause injury or harm by use of a dangerous weapon may be ordered to undergo mental health treatment or counseling by a court-approved mental health professional, mental health facility, or a facility operated by DMH. The department performs intake assessments for new patients at 17 community mental health centers. The intake assessment includes a psychosocial assessment conducted by a mental health counselor, the creation of a plan for outpatient services, and a provisional diagnosis. After the initial intake assessment is completed, a psychiatrist conducts a comprehensive psychiatric assessment. Each 60 minute assessment performed by a mental health counselor results in \$178 in expenditures for DMH. A comprehensive psychiatric medical assessment performed by a psychiatrist results in \$640 of expenditures. DMH anticipates the need for additional FTE psychiatrists as a result of this bill, further increasing General Fund expenditures by \$237,000 for each additional psychiatrist required. The number of additional assessments and FTEs needed cannot be estimated because the number of additional patients to be assessed by DMH is unknown at this time. As such, this bill will result in an undetermined increase of General Fund expenditures for DMH.

Commission on Prosecution Coordination. The agency expects to manage any increase in General Fund, Other Fund, and Federal Fund expenditures using current resources. However, if the bill results in a significant caseload increase, the commission will require an additional \$50,000 in recurring General Funds for an additional prosecutor.

Commission on Indigent Defense. The agency reports the implementation of this bill will be handled by the agency's existing personnel and not result in any expenditure to the General Fund, Other Funds, or Federal Funds.

Department of Corrections. This bill creates a new offense for threatening to damage or actually damaging churches, public buildings, recreational parks, and public gathering places or causing serious bodily injury or death to a person who is located on these grounds. An individual accused of this offense may be administered a mental health evaluation as a condition of bond. If the mental health evaluation reveals that the person needs mental health treatment or counseling, then the court shall require him to undergo mental health treatment or counseling. A person convicted of this offense is subject to the following penalties:

- for 1st offense, guilty of a misdemeanor and, upon conviction, must be fined not more than \$1,000, imprisoned not more than 1 year, or both; or
- for 2nd offense, guilty of a misdemeanor and, upon conviction, must be fined not more than \$2,000, imprisoned not more than 2 years, or both; or
- if the violation results in damage to or destruction of a building or other real or personal property, is guilty of a misdemeanor and, upon conviction, must be fined not more than \$3,000, imprisoned not more than 3 years, or both; or
- if the violation results in the serious bodily injury or death of another person, is guilty of a felony and, upon conviction, must be fined not more than \$5,000, imprisoned not more than 5 years, or both.

The department reports that it currently is admitting some types of these offenders for violations of existing statutes. During FY 2018-19, 49 inmates were admitted to state correctional facilities for offenses related to damages to public property or malicious injury to property, and 9 inmates were admitted for bomb threat offenses. As the number of inmates admitted for similar offenses is small, the department expects to manage any increase in General Fund, Other Fund, and Federal Fund expenditures using current resources.

State Revenue

Because the bill creates new felony and misdemeanor offenses for which there is limited historical data, the revenue impact on the General Fund and Other Funds is undetermined. Existing law distributes revenue generated as assessments and surcharges imposed on such convictions among the General Fund, specified state agencies and programs, and the local jurisdiction in which judgment is rendered.

Local Expenditure

Because the bill creates new criminal offenses, data is not available to project a change in law enforcement activity or detention in local facilities. However, any increase resulting specifically from this bill is expected to be managed within existing resources.

Local Revenue

Because the bill creates new felony and misdemeanor offenses for which there is limited historical data, the revenue impact on magistrate or municipal courts is undetermined. Existing law provides for the retention of part or all of the revenue generated from fines, assessments, and surcharges by the local jurisdiction processing the case.

Introduced on January 8, 2019

State Expenditure

This bill creates a new offense triable in General Sessions Court. An individual who threatens, conspires, or solicits another to cause damage, serious bodily injury or death to a person, or who causes damage or destruction of a building, real property, or personal property, by use of a deadly weapon and only in certain locations, would violate this new statutory offense. The bill requires that anyone charged with this offense undergo a mental health evaluation, and, if found to be in need of treatment, provides that they may not be prosecuted.

Judicial Department. The department reports that this bill creates a new offense and there is no data available upon which to estimate the number of hearings or trials that may be initiated in General Sessions Court as a result of this legislation. However, the department anticipates that any expenditure impact to the General Fund, Other Funds, or Federal Funds from the increased caseload in General Sessions Court would be managed within existing resources.

Department of Mental Health. The bill adds that any person charged with threatening, soliciting, or conspiring to cause injury or harm by use of a dangerous weapon must undergo mental health treatment or counseling by a court-approved mental health professional, mental health facility, or a facility operated by DMH. The department performs intake assessments for new patients at 17 community mental health centers. The intake assessment includes a psychosocial assessment conducted by a mental health counselor, the creation of a plan for outpatient services, and a provisional diagnosis. After the initial intake assessment is completed, a psychiatrist conducts a comprehensive psychiatric assessment. Each 60 minute assessment performed by a mental health counselor results in \$178 in expenditures for DMH. A comprehensive psychiatric medical assessment performed by a psychiatrist results in \$640 of expenditures. DMH anticipates the need for additional FTE psychiatrists as a result of this bill, further increasing General Fund expenditures by \$237,000 for each additional psychiatrist required. The number of additional assessments and FTEs needed cannot be estimated because the number of additional patients to be assessed by DMH is unknown at this time. As such, this bill will result in an undetermined increase of General Fund expenditures for DMH.

Commission on Prosecution Coordination. A determination of the bill's impact is pending, as the agency is still reviewing the bill.

Commission on Indigent Defense. The agency reports the implementation of this bill will be handled by the agency's existing personnel and not result in any expenditure to the General Fund, Other Funds, or Federal Funds.

Department of Corrections. This bill creates new offenses for threatening to damage or actually damaging churches, public buildings, recreational parks, and public gathering places or causing serious bodily injury or death to a person who is located on these grounds. Individuals accused of these violations must be administered a mental health evaluation as a condition of bond. If the mental health evaluation reveals that the person needs mental health treatment or counseling, then the solicitor may refer him to a mental health court, or the court may require him to undergo mental health treatment or counseling. However, if a person undergoes a mental health evaluation and is determined to not need mental health treatment or counseling they will be convicted as follows for violating Section 16-23-540(A) of this bill:

- guilty of a misdemeanor and, upon conviction, must be fined not more than \$2,000, imprisoned not more than 2 years, or both; or
- if the violation results in damage to or destruction of a building or other real or personal property, is guilty of a misdemeanor and, upon conviction, must be fined not more than \$3,000, imprisoned not more than 3 years, or both; or

- if the violation results in the serious bodily injury or death of another person, is guilty of a felony and, upon conviction, must be fined not more than \$5,000, imprisoned not more than 5 years, or both.

The department reports that it currently is admitting some types of these offenders for violations of existing statutes. During FY 2018-19, 49 inmates were admitted to state correctional facilities for offenses related to damages to public property or malicious injury to property, and 9 inmates were admitted for bomb threat offenses. As the number of inmates admitted for similar offenses is small, the department expects to manage any increase in General Fund, Other Fund, and Federal Fund expenditures using current resources.

State Revenue

Because the bill creates new felony and misdemeanor offenses for which there is limited historical data, the revenue impact on the General Fund and Other Funds is undetermined. Existing law distributes revenue generated as assessments and surcharges imposed on such convictions among the General Fund, specified state agencies and programs, and the local jurisdiction in which judgment is rendered.

Local Expenditure

Because the bill creates new criminal offenses, data is not available to project a change in law enforcement activity or detention in local facilities. However, any increase resulting specifically from this bill is expected to be managed within existing resources.

Local Revenue

Because the bill creates new felony and misdemeanor offenses for which there is limited historical data, the revenue impact on magistrate or municipal courts is undetermined. Existing law provides for the retention of part or all of the revenue generated from fines, assessments, and surcharges by the local jurisdiction processing the case.



Frank A. Rainwater, Executive Director