



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.

Bill Number: H. 3180 Amended by House Judiciary Special Laws Subcommittee on April 15, 2021
Author: G.R. Smith
Subject: Vulnerable Adult Maltreatment Registry Act
Requestor: House Judiciary
RFA Analyst(s): Gardner, Griffith, and Payne
Impact Date: April 20, 2021

Fiscal Impact Summary

This bill creates the “Vulnerable Adult Maltreatment Registry Act” and requires that persons who are convicted of maltreatment of vulnerable adults have their names added to the Vulnerable Adult Maltreatment Registry, allows for registry information to only be released to certain parties, creates a new offense for the unlawful release of or unlawful access to registry information, and requires investigative entities to submit to the Governor and the General Assembly an annual report on the incidence and prevalence of maltreatment of vulnerable adults in South Carolina.

The Judicial Department indicates that the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

The expenditure impact is pending, contingent upon a response from the Department of Health and Environmental Control, the State Law Enforcement Division, and the Department of Social Services.

The revenue impact of the bill is undetermined because it is dependent upon the number of future fines resulting from the release of information contained in the registry.

Explanation of Fiscal Impact

Amended by House Judiciary Special Laws Subcommittee on April 15, 2021

State Expenditure

This bill creates the “Vulnerable Adult Maltreatment Registry Act,” to be established and maintained by the Department of Social Services (DSS), and requires that persons convicted of maltreatment of vulnerable adults have their names added to the Vulnerable Adult Maltreatment Registry. Perpetrators convicted of knowing and willful abuse, neglect, or exploitation of a vulnerable adult (including those instances involving great bodily injury or death) or involved with cases arising out of a family court proceeding may have their names entered in the registry. The registry must contain specific information for each perpetrator and must document the acts of maltreatment.

The relevant official entity investigating the case will determine whether the perpetrator's name should be placed in the registry. For persons named as offenders but not convicted, an investigative entity must file in family court a petition containing a written case summary stating facts sufficient to establish evidence of maltreatment to initiate the process of placing an individual's name in the registry. If the individual contests the placement of their name in the registry, a family court hearing must be scheduled within sixty days.

The bill also establishes guidelines for accessing and using information in the registry. It restricts access to specific individuals and agencies involved in the care of vulnerable adults, legal representation for vulnerable adults, law enforcement, and other investigative entities.

When a statute or regulation makes the determination of an applicant's history of maltreatment of a vulnerable adult a condition for the issuance of a license, registration, or employment, the applicant must be screened against the registry before he can be approved. The Department of Mental Health or the Department of Disabilities and Special Needs must screen all applicants regardless of whether they are volunteering or seeking employment. Employers of any entity licensed by the Department of Health and Environmental Control that provide care to vulnerable adults must also screen applicants seeking to volunteer or seeking employment.

The bill also creates a new misdemeanor offense for the unlawful release of the information contained in the registry or the unlawful access of such information. These offenses are punishable by a fine of not more than \$1,500 or imprisonment for not more than one year, or both.

Additionally, agencies charged with investigating alleged maltreatment of a vulnerable adult must annually provide to the Governor and the General Assembly a report on the incidence and prevalence of vulnerable adult abuse, neglect, and exploitation in South Carolina, the effectiveness of services provided throughout the State to protect vulnerable adults from maltreatment, and any other non-identifying data considered instructive.

DSS may promulgate regulations and develop policies, procedures, and memoranda of agreement to be used to further the maintenance and use of the registry.

Judicial Department. This bill requires DSS to maintain a Vulnerable Adult Maltreatment Registry and provides that the names of persons convicted of maltreatment of vulnerable adults be placed in the registry. For persons named as offenders but not convicted, an investigative entity must file in family court a petition containing a written case summary stating facts sufficient to establish evidence of maltreatment. The bill provides for procedures, schedules, and hearings related to such petitions and creates the unlawful offense of disseminating information contained in the registry. The department reports that the bill will impact both family and general sessions courts and may result in an increase in caseloads. As the bill creates a new offense, there is no data available with which to estimate the number of filings, hearings, or trials that may be impacted. However, in FY 2019-20, there were 169 filings related to maltreatment of vulnerable adults, and there were 51 convictions for such offenses. The department intends to

use existing General Fund resources to manage any increase in costs associated with the implementation of the bill.

Department of Health and Environmental Control. A determination of the bill's impact is pending, as the department is still reviewing the bill.

State Law Enforcement Division. A determination of the bill's impact is pending, as the agency is still reviewing the bill.

Department of Social Services. A determination of the bill's impact is pending, as the department is still reviewing the bill.

State Revenue

This bill creates new misdemeanor offenses for the unlawful release or access of information contained in the Vulnerable Adult Maltreatment Registry. These offenses are punishable by a fine of not more than \$1,500 or imprisonment for not more than one year, or both. As these are new offenses and there is no data available on the number of convictions that may occur, the amount of revenue that may be generated is undetermined.

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director