



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
(803)734-3780 • RFA.SC.GOV/IMPACTS

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. 4075 Amended by the House of Representatives on April 27, 2021
Author: Wetmore
Subject: SLED, Conformity for Registration Requirements
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: March 22, 2022 Updated for Additional Agency Response

Fiscal Impact Summary

This bill provides circumstances under which a person convicted of third degree criminal sexual conduct with a minor is not required to have his name placed on the state sex offender registry.

This bill requires Judicial, the South Carolina Law Enforcement Division (SLED), and the Commission on Prosecution Coordination (PCC) to perform activities that will be conducted in the normal course of agency business. Therefore, this bill will have no expenditure impact.

This impact statement has been updated to include a response from PCC.

Explanation of Fiscal Impact

Updated for Additional Agency Response on March 22, 2022

Amended by the House of Representatives on April 27, 2021

State Expenditure

This bill provides circumstances under which a person convicted of third degree criminal sexual conduct with a minor is not required to have his name placed on the state sex offender registry. Should the court make a specific finding that the conviction obtained for the offense resulted from consensual sexual conduct, provided that the offender was eighteen years of age or younger or the conduct was between persons under sixteen years of age, the convicted person is not an offender and will not be required to have his name placed on the registry.

Judicial. This bill may result in an increase in the amount of time certain cases take to litigate in Family Court and General Sessions to allow the court to have sufficient evidence to make a determination that the offense resulted from consensual sexual conduct. There is no data available to estimate the number of filings, hearings, or trials that may be impacted because of the implementation of this bill. However, Judicial estimates that any changes the bill creates will have minimum impact and can be absorbed within existing appropriations. Therefore, this bill will have no expenditure impact for Judicial.

State Law Enforcement Division. The sex offender registry is under the direction of SLED. The bill exempts certain persons from having to register. Maintaining the registry is within the normal course of business for SLED. Therefore, this bill will have no impact for SLED.

Commission on Prosecution Coordination. The implementation of this bill will have no expenditure impact on PCC, as the department expects to manage any increase in caseloads within current resources.

This impact statement has been updated to include a response from PCC.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

Amended by the House of Representatives on April 27, 2021

State Expenditure

This bill provides circumstances under which a person convicted of third degree criminal sexual conduct with a minor is not required to have his name placed on the state sex offender registry. Should the court make a specific finding that the conviction obtained for the offense resulted from consensual sexual conduct, provided that the offender was eighteen years of age or younger or the conduct was between persons under sixteen years of age, the convicted person is not an offender and will not be required to have his name placed on the registry.

Judicial. This bill may result in an increase in the amount of time certain cases take to litigate in Family Court and General Sessions to allow the court to have sufficient evidence to make a determination that the offense resulted from consensual sexual conduct. There is no data available to estimate the number of filings, hearings, or trials that may be impacted because of the implementation of this bill. However, Judicial estimates that any changes the bill creates will have minimum impact and can be absorbed within existing appropriations. Therefore, this bill will have no expenditure impact for Judicial.

State Law Enforcement Division. The sex offender registry is under the direction of SLED. The bill exempts certain persons from having to register. Maintaining the registry is within the normal course of business for SLED. Therefore, this bill will have no impact for SLED.


Department of Probation, Parole, and Pardon Services. A determination of the bill's impact is pending, contingent upon a response from the agency.

State Revenue

N/A

Local Expenditure and Local Revenue

N/A



Frank A. Rainwater, Executive Director