



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:	S. 0022	Introduced on January 12, 2021
Author:	Hutto	
Subject:	Children Placed in Adult Jails	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Miller	
Impact Date:	February 15, 2022	

Fiscal Impact Summary

This bill eliminates the exemption for why a child may be held in an adult prison, lessens the amount of time a child may be detained after being taken into custody, lessens the severity of the implications of status offenses, and requires automatic expungement of juvenile records in certain instances.

This bill will have no expenditure impact for Judicial, as the agency anticipates being able to manage any additional expenses due to this bill within existing appropriations.

This bill may have no expenditure impact for the Department of Juvenile Justice (DJJ), as DJJ may be able to manage the implementation of automatic expungement within existing appropriations. However, this fiscal impact statement may be updated if more information becomes available.

Additionally, the Revenue and Fiscal Affairs Office (RFA) anticipates this bill will have no local expenditure impact. RFA contacted Richland and Charleston Counties, both of whom operate their own juvenile detention center. Based on Charleston's response, RFA anticipates the locals will be able to manage the additional responsibilities with existing resources.

Explanation of Fiscal Impact

Introduced on January 12, 2021

State Expenditure

This bill specifies that no child may be placed in confinement in an adult jail for more than six hours, even if the juvenile has been waived to the court of general sessions for purposes of standing trial as an adult. This bill also limits the amount of time a juvenile may be detained for violating a court order to no more than forty-eight hours, excluding weekends and holidays. Further, this bill modifies the penalties for a juvenile charged with status offenses. Additionally, this bill requires an automatic expungement for status offenses when a child turns eighteen.

Currently, a child may only be placed in an adult prison if the juvenile has been waived to the court of general sessions for purposes of standing trial as an adult. Additionally, a juvenile may be detained for twenty-four to seventy-two hours after being taken into custody, dependent upon

the reason the child went into custody. Also, a child may be committed to the custody of DJJ or a juvenile detention center due to multiple status offenses.

Judicial. This bill may result in a modification in the number and timing of cases heard in family court and increase the number of expungements. Judicial anticipates being able to manage any altered caseload in family court with existing staff and within existing appropriations. Therefore, this bill will have no expenditure impact for Judicial.

Department of Juvenile Justice. This bill modifies the responsibilities of DJJ for certain juveniles. DJJ anticipates this bill may have a non-recurring expenditure impact to implement the required automatic expungement of certain juvenile records. However, DJJ anticipates it may be able to manage this within existing appropriations. Therefore, this bill will have no expenditure impact for DJJ. However, this fiscal impact statement will be updated if additional information becomes available.

State Revenue

N/A

Local Expenditure

This bill requires automatic expungement for certain juvenile records. Charleston and Richland counties each run their own juvenile detention center. RFA reached out to both counties and received a response from Charleston. Charleston anticipates being able to implement automatic expungements within existing resources. Therefore, based on this response, RFA anticipates this bill will have no local expenditure impact.

Local Revenue

N/A



Frank A. Rainwater, Executive Director