



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. 0125	Introduced on January 12, 2021
Author:	Massey	
Subject:	South Carolina Law Enforcement Jurisdiction	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	September 1, 2021	

Fiscal Impact Summary

This bill grants the State Law Enforcement Division (SLED) specific authority in certain death-related investigations, creates a new offense for violations of required investigative authority provisions, requires the Law Enforcement Training Council (LETC) to maintain a list of law enforcement agencies employing full-time units that regularly process crime scenes and to conduct certain investigations, and requires the Attorney General to make prosecutorial decisions regarding affected cases.

The bill will have no expenditure impact for SLED, LETC, or the Judicial Department, as each agency anticipates using existing staff and resources to implement any additional responsibilities resulting from the bill.

The expenditure impact of the bill on the Office of the Attorney General is pending, contingent upon a response from the agency.

Additionally, this bill creates a new offense for knowingly and willfully violating SLED's jurisdiction in investigations involving the great bodily injury or death of an arrestee or intended arrestee, which may result in a fine of no more than \$1,000. Counties will retain a portion of any levied fines and will remit the remaining portion to the Office of the State Treasurer. Therefore, this bill may result in an undetermined increase in Other Funds revenue to the Office of the State Treasurer and local revenue as the number of fines to be issued is unknown.

Explanation of Fiscal Impact

Introduced on January 12, 2021

State Expenditure

This bill authorizes SLED to investigate the unexpected death or great bodily injury of an arrestee or an intended arrestee. If a SLED officer is the subject of the investigation, the Attorney General must appoint a law enforcement agency from a list maintained by the LETC to conduct the investigation. All completed investigations must be forwarded to the Attorney General, who will have exclusive authority to make prosecutorial decisions regarding these investigations. Public officers who knowingly or willfully violate the required investigative

authority provisions of this section are subject to punishment as provided under Section 8-1-80, which may include a fine of not more than \$1,000 and imprisonment for not more than one year.

Judicial Department. This bill creates the offense of knowingly and willfully violating SLED's jurisdiction, which may impact caseloads in general sessions courts. As this is a new offense, there is no data available to estimate the number of filings, hearings, or trials that may be impacted. However, the department anticipates being able to manage any increase in caseloads using existing General Fund resources. Therefore, this bill will have no expenditure impact for the Judicial Department.

Office of the Attorney General. This bill requires the Attorney General to appoint an appropriate law enforcement agency to investigate any SLED officer involved in the unexpected death or great bodily injury of an arrestee or intended arrestee. The expenditure impact of the bill is pending, contingent upon a response from the agency.

State Law Enforcement Division. This bill authorizes SLED to investigate incidents involving great bodily harm or the unexpected death of an arrestee. SLED reports that the bill will have no expenditure impact because the agency will administer responsibilities resulting from the bill with the use of existing staff and resources. Therefore, this bill will have no expenditure impact for SLED.

Law Enforcement Training Council. This bill requires LETC to maintain a list of law enforcement agencies that employing full-time units that regularly process crime scenes and to conduct certain investigations. LETC anticipates being able to administer the responsibilities resulting from the bill with the use of existing staff and resources. Therefore, this bill will have no expenditure impact for LETC.

State Revenue

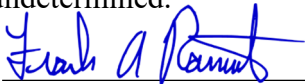
This bill creates a new offense for knowingly and willfully violating SLED's jurisdiction in investigations involving the great bodily injury or death of an arrestee or intended arrestee, which may result in a fine of no more than \$1,000. Counties will retain a portion of any levied fines and will remit the remaining portion to the Office of the State Treasurer. As the number of fines to be issued is unknown, the increase Other Funds revenue that may be generated is undetermined.

Local Expenditure

N/A

Local Revenue

This bill creates a new offense for knowingly and willfully violating SLED's jurisdiction in investigations involving the great bodily injury or death of an arrestee or intended arrestee, which may result in a fine of no more than \$1,000. Counties will retain a portion of any levied fines and will remit the remaining portion to the Office of the State Treasurer. As the number of fines to be issued is unknown, the increase of local revenue that may be generated is undetermined.



Frank A. Rainwater, Executive Director