



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:	S. 0198	Introduced on January 12, 2021
Author:	Hembree	
Subject:	Civil Rights	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	September 1, 2021 Updated for Additional Agency Response	

Fiscal Impact Summary

This bill makes it unlawful for any individual, regardless of race, color, religion, gender, sexual orientation, gender identity, or national origin, to conspire or act against the civil rights of another. The bill does not have an expenditure impact for the Judicial Department, the Commission on Indigent Defense, nor the Commission on Prosecution Coordination because any additional activities required by the bill can be managed within the normal course of agency business using existing appropriations.

However, the bill creates new offenses that may impact prosecutor caseloads statewide. Therefore, dependent upon the increase in caseloads, the Offices of Circuit Solicitor may incur a General Fund expenditure impact of an undetermined amount.

This fiscal impact statement has been updated for an additional response from the Commission on Prosecution Coordination.

Explanation of Fiscal Impact

Updated for Additional Agency Response on September 1, 2021
Introduced on January 12, 2021

State Expenditure

This bill amends the offense of conspiracy against civil rights. Currently, two or more persons may be charged with conspiracy against civil rights. This bill specifies any person may be charged with conspiracy against civil rights. Additionally, the bill creates three new offenses: (1) willfully injuring, intimidating, or interfering by force or threat of force a person because of his race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or political views because of certain lawful actions by the victim; (2) willfully causing bodily injury or attempting to cause bodily injury to a person because of his race, color, gender, disability, sexual orientation, gender identity, national origin, or political views during the commission of specific felony acts or when opposing, resisting, or assaulting a law enforcement officer; and (3) falsely reporting any such violation. The bill also creates a new misdemeanor offense for falsely reporting a violation of the noted provisions, which is punishable by a fine of not less than \$500 nor more than \$2,000, imprisonment for not more than one year, or both.

Judicial Department. This bill amends the offense of conspiracy against civil rights, of which there were no cases disposed in either FY 2018-19 or FY 2019-20. The department reports that these new offenses will impact general sessions courts. However, as there is no data available with which to estimate the number of new filings, hearings, or trials that may occur, the expenditure impact on the General Fund cannot be determined. The department intends to use existing General Fund resources to manage any costs associated with an increase in general sessions caseloads. Therefore, this bill will have no expenditure impact for the Judicial Department.

Prosecution Coordination Commission. This bill, which creates new offenses against civil rights, does not materially alter the agency's existing responsibilities. Therefore, this bill will have no expenditure impact for the Prosecution Coordination Commission.

However, the three new offenses created by the bill may increase the prosecutor caseloads in the statewide Offices of Circuit Solicitor. As there is no data available with which to estimate the number of new filings, hearings, or trials that may occur, the expenditure impact on circuit solicitors is unknown. If this bill results in a significant increase in civil rights violation actions, the bill may result in an undetermined General Fund expenditure for the Offices of Circuit Solicitor for the management of the newly increased caseloads.

Commission on Indigent Defense. This bill creates new offenses against civil rights. However, the bill does not materially alter the agency's existing responsibilities. Therefore, this bill will have no expenditure impact for the Commission on Indigent Defense.

State Revenue

This bill adds new offenses and associated fines. Although these cases will be tried in summary courts, existing law distributes revenue generated from fines, assessments, and surcharges imposed for convictions in summary courts among the General Fund, specified state agencies and programs, and local governments. Since the number of additional cases that may be assigned to summary courts pursuant to this bill is unknown, the revenue impact on the General Fund and Other Funds is undetermined.

Local Expenditure

N/A

Local Revenue

This bill adds new offenses and associated fines. Although these cases will be tried in summary courts, existing law distributes revenue generated from fines, assessments, and surcharges imposed for convictions in summary courts among the General Fund, specified state agencies and programs, and local governments. Since the number of additional cases that may be assigned to summary courts pursuant to this bill is unknown, the impact on local revenue is undetermined.

Introduced on January 12, 2021

State Expenditure

This bill makes it unlawful for any individual—regardless of his race, color, religion, gender, sexual orientation, gender identity, or national origin—to conspire against the civil rights of another or to—by force or threat of force—willingly injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with any person because of his race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or political views when the person is or has been participating in activities involving voting or campaigning, programs or facilities administered by the State, travel in or use of intrastate commerce facilities, speech or peaceful assembly, and lawful business and employment. Violations of these provisions are punishable by a fine of not less than \$1,000 nor more than \$5,000, imprisonment for not more than one year, or both. If bodily injury occurs during the commission of such an act, or if such act includes the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, then the person shall be fined as noted and will also be subject to imprisonment for not more than five years.

The bill also makes it unlawful for an individual—regardless of his race, color, religion, gender, sexual orientation, gender identity, or national origin—to willfully and intentionally cause bodily injury to any person or to attempt to cause bodily injury to any person because of his race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or political views during the commission of specific felony acts or when opposing, resisting, or assaulting a law enforcement officer serving process. Violations of these provisions are punishable by a fine of not less than \$2,500 nor more than \$7,500, imprisonment for not more than ten years, or both.

In the case that death results from any act in violation of these provisions, or if such acts include kidnapping or attempted kidnapping, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, the convicted party will be imprisoned for a minimum sentence of thirty years. Law enforcement officers will not be found in violation of these provisions when they are carrying out the duties of their office or are lawfully enforcing State or local ordinances and laws.

The bill also creates a new misdemeanor offense for falsely reporting a violation of the noted provisions, which is punishable by a fine of not less than \$500 nor more than \$2,000, imprisonment for not more than one year, or both.

Judicial Department. This bill amends the offense of conspiracy against civil rights, of which there were no cases disposed in either FY 2018-19 or FY 2019-20. Additionally, the bill creates three new offenses: (1) willfully injuring, intimidating, or interfering by force or threat of force a person because of his race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or political views because of certain lawful actions by the victim; (2) willfully causing bodily injury or attempting to cause bodily injury to a person because of his race, color, gender, disability, sexual orientation, gender identity, national origin, or political views during the commission of specific felony acts or when opposing, resisting, or assaulting a law enforcement officer; and (3) falsely reporting any such violation. The department reports that these new offenses will impact general sessions courts. However, as there is no data available with which to estimate the number of new filings, hearings, or trials that may occur, the expenditure impact on the General Fund cannot be determined. The department intends to use

existing General Fund resources to manage any costs associated with an increase in general sessions caseloads.

Prosecution Coordination Commission. The expenditure impact of the bill is pending, contingent upon a response from the agency.

Commission on Indigent Defense. As the bill does not materially alter the agency's existing responsibilities, there will be no expenditure impact on the agency's General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director