



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. 3884 Introduced on February 7, 2023
Author: Haddon
Subject: Security from Trespass and Protecting Food Safety Act
Requestor: House Agriculture, Natural Resources, and Environmental Affairs
RFA Analyst(s): Jolliff
Impact Date: February 27, 2023

Fiscal Impact Summary

This bill enacts the Security from Trespass and Protecting Food Safety Act by adding Article 9 to Chapter 9, Title 47. The bill provides for protections to prevent entry or interference with an animal protection zone defined as an area on a farm, animal processing facility, or prescribed premises where animals are located. The bill also specifies that a person may not interfere with a vehicle transporting animals with the exception of law enforcement or other emergency services personnel. The bill provides that violations of these provisions are a misdemeanor punishable by a fine of up to \$500 and imprisonment of not more than one year. A second or subsequent offense is a felony, and the person must be fined not more than \$2,000 or imprisoned not more than five years.

The bill will not impact expenditures for Judicial or the Commission on Indigent Defense. As these are new offenses, it is unclear how many new cases will result from the bill. Judicial and the Commission on Indigent Defense will manage any change in caseloads with existing resources. We anticipate that the Commissions on Prosecution Coordination will also manage the change in caseloads with existing resources and will update this impact if they provide a different response.

This bill will likely affect the inmate population and expenses for the SC Department of Corrections (SCDC) due to the new offenses. However, it is unclear how many incarcerations will occur from these convictions. SCDC's annual cost per inmate is \$30,044 from state funds and \$2,203 in other funds, and the marginal cost per inmate is \$4,836, \$4,830 of which is state funded. If there is a substantial increase in the inmate population, due to this bill, the agency responded that SCDC will likely request an increase in General Fund Appropriations.

The Commissioner of Agriculture is responsible for promulgating regulations to administer the article. The bill will not impact expenditures for the Department of Agriculture, as the agency will manage these responsibilities with existing staff and resources.

This bill may result in an increase in incarcerations in local jails for sentences under one year. However, these are new offenses and will be impacted by the number of arrests, convictions, and judicial discretion in sentencing, which are unknown. Therefore, the local expenditure impact of this bill is undetermined.

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined impact to General Fund revenue, Other Funds revenue, and local revenue due to the potential increase in fines and fees collections in court.

Explanation of Fiscal Impact

Introduced on February 7, 2023

State Expenditure

This bill enacts the Security from Trespass and Protecting Food Safety Act. The bill provides for protections to prevent entry or interference with an animal protection zone defined as an area where animals are located on a farm, animal processing facility, or prescribed premises. The bill also specifies that a person may not interfere with a vehicle transporting farm animals with the exception of law enforcement or other emergency services personnel. The Commissioner of Agriculture may promulgate regulations to effectively administer the article.

The bill provides that violations of these provisions are a misdemeanor punishable by a fine of up to \$500 and imprisonment of not more than one year. A second or subsequent offense is a felony, and the person must be fined not more than \$2,000 or imprisoned not more than five years.

Judicial. The bill will not impact expenditures for Judicial. Any change in caseloads due to the new offense will be managed with existing resources.

Commission on Prosecution Coordination. We anticipate that the bill will have a minimal expenditure impact for the Commission that can be managed using existing staff and appropriations. We will update this impact if they provide a different response.

Commission on Indigent Defense. The bill will not impact expenditures for the Commission. Any change in caseloads due to the new offense will be managed with existing resources.

Department of Corrections. This bill will likely affect the inmate population and expenses for SCDC due to the new offenses. However, it is unclear how many incarcerations will occur from these convictions. SCDC's annual cost per inmate is \$30,044 from state funds and \$2,203 in other funds, and the marginal cost per inmate is \$4,836, \$4,830 of which is state funded. If there is a substantial increase in the inmate population, due to this bill, the agency responded that SCDC will likely request an increase in General Fund Appropriations.

Department of Agriculture. The Commissioner of Agriculture is responsible for promulgating regulations to administer the Article. The bill will not impact expenditures for the Department of Agriculture, as the agency will manage these responsibilities with existing staff and resources.

State Revenue

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this

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Local Expenditure

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Frank A. Rainwater, Executive Director