



**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.*

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**Bill Number:** H. 4813    Introduced on January 10, 2024  
**Author:** Wooten  
**Subject:** Law Enforcement Criminal Records Check  
**Requestor:** House Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** January 31, 2024

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### **Fiscal Impact Summary**

This bill requires a person seeking certification as a law enforcement officer in South Carolina to pay for a state criminal records check, including fingerprint checks from both the State Law Enforcement Division (SLED) and the Federal Bureau of Investigation (FBI). Currently, the Criminal Justice Academy pays these fees at a rate of \$38.25 per candidate (\$25 for a state criminal history check, plus \$13.25 for a national criminal history check).

This bill will save the Academy approximately \$107,100 beginning in FY 2024-25 as the approximate 2,800 candidates applying for certification with the Criminal Justice Academy each year will be responsible for paying the fees.

This bill will have no expenditure impact for SLED as the agency anticipates being able to manage the responsibilities resulting from the bill with existing staff and within existing appropriations.

This bill will have no Other Funds revenue impact for SLED due to the shift in the cost of background checks from the Academy to the applicant. For information, SLED previously indicated on similar legislation that the total cost for a criminal records search is \$51.75, of which \$25 is retained by SLED. The vendor, Identogo, receives \$13.50, and the remainder of the fee, \$13.25, is remitted to the FBI. Pursuant to Section 23-3-115(A), revenue generated by criminal records checks performed by SLED up to an amount of \$4,461,000 must be deposited in the General Fund; any revenue over that amount is retained by SLED. The current three-year average in fees collected for background checks totals approximately \$17,147,000, of which \$4,461,000 is deposited to the General and the remainder is kept by SLED.

### **Explanation of Fiscal Impact**

#### **Introduced on January 10, 2024**

#### **State Expenditure**

This bill requires that a person seeking certification as a law enforcement officer in the state undergo a state criminal records check, including a fingerprint check to be conducted by both SLED and the FBI. SLED is authorized to retain these fingerprints for certification purposes and for notification of the Criminal Justice Academy regarding criminal charges. Both SLED and

the FBI may retain the fingerprints for future submissions to the Next Generation Identification program and for latent fingerprint searches. The results of the fingerprint searches must be reported to the Criminal Justice Academy without further dissemination. Individuals seeking certification must bear the cost of the fingerprint checks.

**Criminal Justice Academy.** Currently, the Criminal Justice Academy pays these fees at a rate of \$38.25 per candidate (\$25 for a state criminal history check, plus \$13.25 for a national criminal history check). Approximately 2,800 candidates apply for certification with the Criminal Justice Academy each year. Provided that SLED lists the Academy as a non-criminal justice agency, the passage of the bill will save the Academy approximately \$107,100 beginning in FY 2024-25.

**State Law Enforcement Division.** SLED anticipates being able to manage the responsibilities resulting from the bill with existing staff and within existing appropriations. Therefore, this bill will have no expenditure impact for SLED.

### **State Revenue**

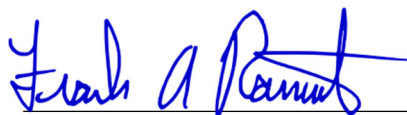
This bill will have no General Fund or Other Funds revenue impact due to the shift in the cost of background checks from the Academy to the applicant. For information, SLED previously indicated on similar legislation that the total cost for a criminal records search is \$51.75, of which \$25 is retained by SLED. The vendor, Identogo, receives \$13.50, and the remainder of the fee, \$13.25, is remitted to the FBI. Pursuant to Section 23-3-115(A), revenue generated by criminal records checks performed by SLED up to an amount of \$4,461,000 must be deposited in the General Fund; any revenue over that amount is retained by SLED. The current three-year average in fees collected for background checks totals approximately \$17,147,000, of which \$4,461,000 is deposited to the General and the remainder is kept by SLED.

### **Local Expenditure**

N/A

### **Local Revenue**

N/A



Frank A. Rainwater, Executive Director