



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. 0330	Introduced on January 10, 2023
Author:	Rankin	
Subject:	Increased Penalty for Destruction of a Utility System	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	February 9, 2023	

Fiscal Impact Summary

This bill expands the penalty structure for malicious injury to telegraph, telephone, or electric utility systems.

Judicial, the Commission on Prosecution Coordination, and the Commission on Indigent Defense report there will be no expenditure impact from the bill, as existing General Fund appropriations will be used to manage any increase in caseloads.

This bill may result in an increase in the number of inmates housed by the Department of Corrections. However, no data are available to estimate the increase in the number of inmates that may be housed by Corrections. According to Corrections, in FY 2021-22, the annual total cost per inmate was \$32,247, of which \$30,044 was state funded, and the marginal cost per inmate was \$4,836, of which \$4,830 was state funded. However, as the potential increase in incarcerations is unknown, any expenditure impact for Corrections is undetermined. Corrections indicated that if there is a significant increase to the inmate population due to this bill, the agency will request a General Fund appropriation increase.

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. RFA has asked Judicial to provide historical data on how many convictions there were for the general offense of damaging or interfering with the operations of a utility system whereby a fine was issued. RFA will update this fiscal impact statement if this additional information becomes available.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill modifies the penalty structure for crimes involving malicious injury to telegraph, telephone, or electric utility systems. Currently, such injury is considered a felony offense

punishable by a fine set at the discretion of the court or imprisonment for not more than ten years. The bill creates the following tiered penalty structure:

Penalty Structure for Malicious Injury to Telegraph, Telephone, or Electric Utility System	
Cost of Loss or Damage, Death or Bodily Injury, or Danger to Life, Health, or Safety	Penalty
<\$10,000	Fine at discretion of court or imprisonment for not more than 10 years, or both
≥\$10,000 but <\$25,000	Fine at discretion of court or imprisonment for not more than 15 years, or both
≥\$25,000	Fine at discretion of court or imprisonment for not more than 20 years, or both
Death or bodily injury of person or imminent danger to life, health, or safety of person	Fine at discretion of court or imprisonment for not more than 25 years

The bill also provides that the amount of damages or loss shall be calculated to include the cost of repair or replacement of equipment, buildings, or structures damaged; the estimated lost revenue caused by the destructive acts; and any related damages that can reasonably be associated with the interruption of consumer services.

Judicial. This bill modifies the existing penalty structure for malicious injury to telegraph, telephone, or electric utility systems. Judicial intends to use existing General Fund appropriations to manage any modifications in caseloads. Therefore, this bill will have no expenditure impact on Judicial.

Commission on Prosecution Coordination. This bill modifies the existing penalty structure for malicious injury to telegraph, telephone, or electric utility systems, which could result in an increase in the number of warrants that are sent to the Offices of Circuit Solicitor for review, prosecution, and disposition; however, the potential increase in warrants is unknown. The implementation of this bill will have no expenditure impact, as the commission expects to manage any increase in caseloads within current resources.

Commission on Indigent Defense. The implementation of this bill will have no expenditure impact for Indigent Defense, as the commission expects to manage any increase in caseloads within current resources.

Department of Corrections. This bill may result in an increase in the number of inmates housed by the Department of Corrections. However, no data are available to estimate the increase in the number of inmates that may be housed by Corrections. According to Corrections, in FY 2021-22, the annual total cost per inmate was \$32,247, of which \$30,044 was state funded,

and the marginal cost per inmate was \$4,836, of which \$4,830 was state funded. However, as the potential increase in incarcerations is unknown, any expenditure impact for Corrections is undetermined. Corrections indicates that if this bill significantly increases the inmate population, the agency will request a General Fund appropriations increase.

State Revenue

This bill enhances the penalty structure for malicious injury to telegraph, telephone, or electric utility systems. 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 and Other Funds revenue due to the potential increase in fines and fees collections in court.

Local Expenditure

N/A

Local Revenue

This bill enhances the penalty structure for malicious injury to telegraph, telephone, or electric utility systems. 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 local revenue due to the potential increase in fines and fees collections in court.



Frank A. Rainwater, Executive Director