



**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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<b>Bill Number:</b>	S. 0331	Introduced on January 10, 2023
<b>Author:</b>	Rankin	
<b>Subject:</b>	Increased Penalty for Destruction of a Utility System	
<b>Requestor:</b>	Senate Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	February 9, 2023	

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### **Fiscal Impact Summary**

This bill specifies that willfully damaging or interfering with the operations of a utility system by means of or use of a firearm or other destructive device is a felony with a sentence of imprisonment between ten and twenty-five years.

Judicial, the Commission on Prosecution Coordination, and the Commission on Indigent Defense report there will be no expenditure impact from the bill, as any additional responsibilities due to this bill can be managed with existing staff and within existing appropriations.

This bill may result in an increase in the number of inmates and/or an increase in the length of time an inmate is incarcerated. According to the Department of Corrections (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 and/or the increase of the duration of incarceration due to this bill is unknown, any expenditure impact for Corrections is undetermined. Corrections anticipates that if there is a significant increase in the inmate population due to this bill, the agency will request a General Fund appropriation increase.

Currently, the willful damaging or interfering with the operations of a utility system is subject to a penalty of a fine or imprisonment of no more than ten years. This bill removes the option of a fine for committing this felony if a firearm or other destructive device is used. This may result in a reduction of fines collected through the courts. 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 decrease to General Fund revenue, Other Funds revenue, and local revenue due to the potential decrease in fines collections in court. RFA has requested additional data from Judicial on the current fines collected relative to the felony of damaging or interfering with the operations of a utility system. RFA will update this fiscal impact statement if this additional information becomes available.

## Explanation of Fiscal Impact

**Introduced on January 10, 2023**

### State Expenditure

Currently, it is unlawful for a person, without consent of the owner, to willfully:

- Destroy, damage, or in any way injure a telegraph, telephone, or electric utility system or its fixtures or equipment;
- Obstruct, impede, or impair the services or transmission of a utility system; or
- Aid, agree with, employ, or conspire with a person to do or cause to be done any of the noted acts.

These offenses are punishable by a fine at the discretion of the court or imprisonment for not more than ten years. The bill adds that the willful destruction or obstruction of a gasoline, natural gas, propane, or electric utility system by means of or the use of a firearm or other destructive device results in a mandatory term of imprisonment between ten years and twenty-five years.

Judicial, the Commission on Prosecution Coordination, and the Commission on Indigent Defense report there will be no expenditure impact from the bill, as any additional responsibilities due to this bill can be managed with existing staff and within existing appropriations.

**Department of Corrections.** This bill may result in an increase in the number of inmates and/or an increase in the length of time an inmate is incarcerated. 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 and/or the increase of the duration of incarceration due to this bill is unknown, any expenditure impact for Corrections is undetermined. Corrections anticipates that if there is a significant increase in the inmate population due to this bill, the agency will request a General Fund appropriation increase.

### State Revenue

Currently, the willful damaging or interfering with the operations of a utility system is subject to a penalty of a fine or imprisonment of no more than ten years. This bill changes the penalty schedule from the option of a fine or imprisonment to imprisonment for those cases involving the use of a firearm or other destructive device. This may result in a reduction of fines collected through the courts. 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 decrease to General Fund revenue and Other Funds revenue due to the potential decrease in fines and fees collections in court. RFA has requested additional data from Judicial on the current fines collected relative to the felony of damaging or interfering with the operations of a utility system. RFA will update this fiscal impact statement if this additional information becomes available.

### Local Expenditure

N/A

### **Local Revenue**

This bill changes the penalty schedule from the option of a fine or imprisonment to imprisonment for cases involving the use of a firearm or other destructive device. This may result in a reduction of fines collected through the courts. 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 decrease to local revenue due to the potential decrease in fines and fees collections in court. RFA has requested additional data from Judicial on the current fines collected relative to the felony of damaging or interfering with the operations of a utility system. RFA will update this fiscal impact statement if this additional information becomes available.



Frank A. Rainwater, Executive Director