



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. 3650 Introduced on January 14, 2025
Subject: Discharging Firearms into Dwellings and Other Structures
Requestor: House Judiciary
RFA Analyst(s): Gardner
Impact Date: February 3, 2025

Fiscal Impact Summary

This bill identifies that to knowingly and willingly discharge of a firearm at or into a dwelling house, other building, structure, enclosure, vehicle, aircraft, watercraft, or other conveyance, device, or equipment to be a violent crime and expands the penalty schedule for this offense.

This bill may impact the General Sessions court caseload as it adds a requirement that the action be knowing and intentional and may affect the number of incarcerations due to the expansion of the penalty schedule. This may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, the Department of Corrections (Corrections), and Probation, Parole and Pardon Services (PPP). The potential increase in expenses for each agency will depend upon the increase in workload and number of incarcerations. These agencies anticipate that the potential increase in workload can be managed within existing appropriations. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,429, of which \$36,553 was state funded.

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, the Revenue and Fiscal Affairs Office (RFA) anticipates this bill may result in a change to General Fund, Other Funds, and local funds revenue due to any change in fines and fees collections in court.

Explanation of Fiscal Impact

Introduced on January 14, 2025

State Expenditure

This bill adds the requirement that discharging of a firearm at or into a dwelling house, other building, structure, enclosure, vehicle, aircraft, watercraft, or other conveyance, device, or equipment must be done knowingly and willingly in order to be a crime under §16-23-440 and adds this constitutes a violent crime. The bill also expands the penalty schedule for the knowing and intentional discharge of a firearm at or into these structures or devices.

Current: Section 16-23-440(A), Felony Offense	
<i>Unlawful discharge of firearms at/into dwelling house, building, structure, or enclosure regularly occupied by persons</i>	
Penalty	\$1,000 or imprisonment <10 years, or both
Proposed: Section 16-23-440(A)(1), Felony Offense	
<i>Knowing and intentional discharge of firearms at/into dwelling house, building, structure, or enclosure regularly occupied by persons</i>	
Penalty	\$20,000 and imprisonment <10 years
Proposed: Section 16-23-440(A)(2), Felony Offense	
<i>Same offense as (A)(1) where any occupant is struck, or bodily injury occurs or is the proximate cause of discharge of the firearm</i>	
Penalty	\$50,000 and imprisonment <15 years
Current: Section 16-23-440(B), Felony Offense	
<i>Unlawful discharge of firearms at/into any vehicle, aircraft, watercraft, or other conveyance, device, or equipment while it is occupied</i>	
Penalty	\$1,000 or imprisonment <10 years, or both
Proposed: Section 16-23-440(B)(1), Felony Offense	
<i>Knowing and intentional discharge of firearms at/into any vehicle, aircraft, watercraft, or other conveyance, device, or equipment while it is occupied</i>	
Penalty	\$20,000 and imprisonment <10 years
Proposed: Section 16-23-440(B)(2), Felony Offense	
<i>Same offense as (B)(1) where any occupant is struck, or bodily injury occurs or is the proximate cause of discharge of the firearm</i>	
Penalty	\$50,000 and imprisonment <15 years

Specifying that this offense as a violent crime renders a defendant ineligible for diversion programs and the Youthful Offender Act, affects the factors considered in a defendant's release on bond, renders the defendant subject to additional imprisonment, and affects a defendant's parole proceedings, among other items.

This bill may impact the General Sessions court caseload as it adds a requirement that the action be knowing and intentional and may affect the number of incarcerations due to the expansion of the penalty schedule. This may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, Corrections, and PPP. The potential increase in expenses for each agency will depend upon the increase in workload and number of incarcerations. These agencies anticipate that the potential increase in workload can be managed within existing appropriations. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,429, of which \$36,553 was state funded.

State Revenue

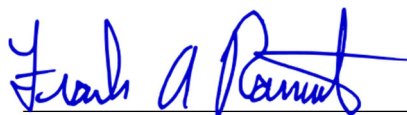
This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in a change to General Fund and Other Funds revenue due to any change in fines and fees collections in court.

Local Expenditure

N/A

Local Revenue

This bill may result in a change 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 a change to local funds revenue due to any change in fines and fees collections in court.



Frank A. Rainwater, Executive Director