



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. 0028	Introduced on January 14, 2025
Subject:	AI Child Abuse	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	January 27, 2025	

Fiscal Impact Summary

This bill creates two new felony offenses and establishes associated penalty schedules related to the production, distribution, receipt, possession with intent to distribute, or possession of an obscene visual depiction or representation of a minor engaging in sexually explicit conduct, activity, or nudity. The bill also provides that either of these offenses, if committed by a minor, is a misdemeanor to be heard by the family court, provided the minor has no previous adjudication for such offense or any offense requiring inclusion in the sex offender registry. Employees of law enforcement agencies, the State Law Enforcement Division (SLED), and prosecuting agencies are, when acting in their official capacity in the course of an investigation or criminal proceeding, exempt from the provisions of the bill. In addition, the bill requires that persons who have been convicted of or have pled guilty or nolo contendere to such offenses be added to the sex offender registry as Tier I offenders. Minors adjudicated for such offenses who have been adjudicated in family court are not required to register. The bill also updates the process by which a Tier I or Tier II registered sex offender may file a request with SLED for termination of his requirement to register.

This bill may result in an increase in the number of circuit court cases, the number of cases handled by the Attorney General's Office, and potentially the number of incarcerations, which 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 the number of cases and number of incarcerations. These agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. Additionally, the Attorney General currently investigates and prosecutes internet crimes against children. The agency anticipates any additional increase in caseload due to this bill 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.

As this bill creates new offenses, this may result in an increase of General Fund, Other Funds, and local fine revenue. However, as the number of such offenses and the resulting fines and fees that might occur in a given year is unknown, the revenue impact is undetermined.

Explanation of Fiscal Impact

Introduced on January 14, 2025

State Expenditure

This bill creates the felony offense of knowingly producing, distributing, receiving, or possessing with intent to distribute—or attempting or conspiring to produce, distribute, receive, or possess with intent to distribute—an obscene visual depiction or representation showing a minor engaging in sexually explicit conduct, activity, or nudity. This offense is punishable by a term of imprisonment for not less than two years nor more than ten years. No part of the minimum sentence may be suspended nor parole granted until the minimum sentence has been served. The bill also creates the felony offense of knowingly possessing—or attempting or conspiring to do so—an obscene visual depiction or representation showing a minor engaging in sexually explicit conduct, activity, or nudity. This offense is punishable by a term of imprisonment for not more than ten years.

In addition, the bill provides that either of these offenses, if committed by a minor, is a misdemeanor to be heard by the family court, provided the minor has no previous adjudication for such offense or any offense requiring inclusion in the sex offender registry. Employees of law enforcement agencies, SLED, and prosecuting agencies (e.g., the Attorney General’s Office and Corrections) are, when acting in their official capacity in the course of an investigation or criminal proceeding, exempt from the provisions of the bill. The bill does not require that any minor depicted actually exists. This bill also provides that persons who have been convicted of or pled guilty or nolo contendere to these offenses must be added to the sex offender registry as Tier I offenders. Minors adjudicated for such offenses who have been adjudicated in family court are not required to register.

The bill also updates the process by which a Tier I or Tier II registered sex offender may file a request with SLED for termination of his requirement to register.

**Section 23-3-462(A) Amendments
Request to Terminate Requirement of Registration on Sex Offender Registry**

<i>Current, Section 23-3-462(A)(1)(a)</i>	
If offender is required to register based on adjudication of delinquency or is required to register as a Tier I offender...	...he may request termination of registration if he has been registered for ≥ 15 years
<i>Proposed, Section 23-3-462(A)(1)(a)</i>	
If offender is required to register based on adjudication of delinquency or is a Tier I offender...	...he may request termination of registration if (a) he has been registered for ≥ 15 years or (b) ≥ 15 years from the date of discharge from incarceration without supervision or termination of active supervision of probation, parole, or any other alternative to incarceration have elapsed
<i>Current, Section 23-3-462(A)(1)(b)</i>	
If offender was convicted as an adult and required to register as a Tier II offender...	...he may request termination of registration if he has been registered for ≥ 25 years
<i>Proposed, Section 23-3-462(A)(1)(b)</i>	
If offender was convicted as an adult and is a Tier II offender...	...he may request termination of registration if (a) he has been registered for ≥ 15 years or (b) ≥ 25 years from the date of discharge from incarceration without supervision or termination of active supervision of probation, parole, or any other alternative to incarceration have elapsed
<i>Current, Section 23-3-462(A)(1)(c)</i>	
If offender was required to register due to conviction in another state or because of federal conviction...	...he may request termination of registration if he is eligible for removal under the laws of the jurisdiction where the conviction occurred
<i>Proposed, Section 23-3-462(A)(1)(c)</i>	
If offender was a Tier I or Tier II offender required to register due to conviction in another state or because of federal conviction...	...he may request termination of registration if he is eligible for removal under the laws of the jurisdiction where the conviction occurred

This bill may result in an increase in the number of circuit court cases, the number of cases handled by the Attorney General's Office, and potentially the number of incarcerations, which 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 the number of cases and number of incarcerations. These agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. Additionally, the

Attorney General currently investigates and prosecutes internet crimes against children. The agency anticipates any additional increase in caseload due to this bill 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

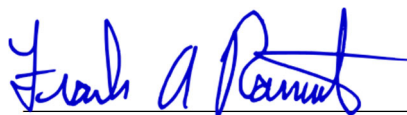
This bill may increase General Fund and Other Funds revenue, due to the increase in fines and fees for the new offenses brought in general sessions courts. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.

Local Expenditure

N/A

Local Revenue

This bill may increase local revenue due to the increase in fines and fees for the new offenses brought in general sessions courts. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.



Frank A. Rainwater, Executive Director