



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. 0136	Introduced on January 14, 2025
Subject:	Dismissal of Pending Gun Possession Charges	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	January 31, 2025	

Fiscal Impact Summary

This bill requires the State to dismiss all pending charges against a person for the unlawful possession of a handgun, pursuant to §16-23-30, where the alleged offense was an act nullified by the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024.

This bill will have no expenditure impact for Judicial, the Commission on Prosecution Coordination, or the Commission on Indigent Defense. Judicial intends to use existing General Fund appropriations to manage any modifications in caseloads. Also, the Commission on Indigent Defense and the Commission on Prosecution Coordination both anticipate being able to manage the responsibilities of this bill with existing staff and within existing appropriations.

Explanation of Fiscal Impact

Introduced on January 14, 2025

State Expenditure

This bill requires the State to dismiss all pending charges against a person for the unlawful possession of a handgun, pursuant to §16-23-30, where the alleged offense was an act nullified by the enactment of the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024. However, if the unlawful possession of a handgun charge is used as probable cause for another offense arising out of the same incident, the associated charges are not automatically dismissed.

This bill will have no expenditure impact for Judicial, the Commission on Prosecution Coordination, or the Commission on Indigent Defense. Judicial intends to use existing General Fund appropriations to manage any modifications in caseloads. Also, the Commission on Indigent Defense and the Commission on Prosecution Coordination both anticipate being able to manage the responsibilities of this bill with existing staff and within existing appropriations.

For information, Judicial noted that as of March 7, 2024, when the S.C. Constitutional Carry/Second Amendment Preservation Act of 2024 took effect, there were 8,594 pending charges pursuant to §16-32-30. Of these, 6,063 have been disposed, leaving 2,891 pending charges that would be impacted. This represents approximately 1.6 percent of pending criminal cases in circuit court.

State Revenue

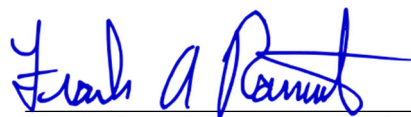
N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director