



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. 192	Introduced on January 14, 2025
Subject:	DUI Blood Draw and Implied Consent	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Griffith	
Impact Date:	February 12, 2025	

Fiscal Impact Summary

This bill allows each individual law enforcement agency to choose which test(s) to administer when a law enforcement officer arrests a person for driving a motor vehicle under the influence of alcohol, drugs, or a combination of alcohol and drugs. The bill also removes the requirement that blood and urine samples collected during a DUI arrest be collected solely by medical personnel. Additionally, the bill specifies that felony DUI or felony driving with an unlawful alcohol concentration resulting in death pursuant to Section 56-5-2945(A)(2) is not a “no parole offense.” The bill also removes the option for a person whose driver’s license has been suspended for certain circumstances to obtain a temporary alcohol license (TAL) and provides suspension penalties. Further, the bill requires the law enforcement officer initiating a traffic stop to make reasonable efforts to ensure video recording of the stop, test(s), and arrest of a person for a DUI.

The bill charges DMV with additional responsibilities that the agency will accomplish with existing staff and resources. Therefore, there is no expenditure impact to DMV. However, DMV indicates that the complex coding changes to its IT system will require at least twelve months to implement and test.

The expenditure impact to the Department of Public Safety (DPS) is undetermined. DPS reports that allowing arresting officers to bypass breath tests in certain circumstances could save both time and transportation-related costs. However, if the intent of the bill is for arresting officers to have the ability to perform blood and urine tests, there will be a significant expenditure increase to DPS to train the approximately 600 state troopers who patrol SC roads.

The State Law Enforcement Division (SLED) indicates that it will request an increase in General Fund appropriations of approximately \$9,094,200 in FY 2025-26 for 39.0 new FTEs to process additional blood tests, specialized instruments, equipment, consumable supplies, and the remodel of building space to accommodate these additions. Expenses will decrease to \$3,967,200 each year thereafter. These estimates are based upon the assumption that approximately half of annual breath tests will be bypassed to perform blood tests.

The fiscal impact of the bill on the Department of Alcohol and Other Drug Abuse Services (DAODAS) and the Department of Probation, Parole and Pardon Services (PPP) is pending, contingent upon a response from the agencies.

This bill will have no expenditure impact to Judicial or the Commission on Prosecution Coordination because the bill does not operationally or fiscally impact the court system.

The bill may increase expenditures of the Commission on Indigent Defense by an undetermined amount since the bill modifies procedures affecting certain criminal prosecutions.

The fiscal impact of the bill on the Department of Corrections is pending, contingent upon further clarification from the agency.

This bill will decrease Other Funds revenue of DOT and Other Funds revenue of DPS by an undetermined amount due to removing the option to obtain a TAL for certain circumstances. For reference, DMV collected \$459,100 in TAL fees for ages 21 and older in FY 2023-24.

Explanation of Fiscal Impact

Introduced on January 14, 2025

State Expenditure

This bill allows each individual law enforcement agency to choose which test(s) to administer when a law enforcement officer arrests a person for driving a motor vehicle under the influence of alcohol, drugs, or a combination of alcohol and drugs. The bill also removes the requirement that blood and urine samples collected during a DUI arrest be collected solely by medical personnel. Additionally, the bill specifies that felony DUI or felony driving with an unlawful alcohol concentration resulting in death pursuant to Section 56-5-2945(A)(2) is not a “no parole offense.” The bill also removes the option for a person whose driver’s license has been suspended for certain circumstances to obtain a TAL and provides suspension penalties. Further, the bill requires the law enforcement officer initiating a traffic stop to make reasonable efforts to ensure video recording of the stop, test(s), and arrest of a person for a DUI.

Department of Motor Vehicles. The bill charges DMV with additional responsibilities that the agency will accomplish with existing staff and resources. Therefore, the bill will have no expenditure impact on DMV. However, DMV indicates that the complex coding changes to its IT system will require at least twelve months to implement and test.

Department of Public Safety. DPS reports that if the intent of the bill is for state troopers to have the ability to collect blood and urine samples, the bill will have a significant expenditure increase to the agency. However, the amount of the increase is undetermined. For reference, there are approximately 600 state troopers who patrol SC roads.

DPS also anticipates that in the instance of a trooper suspecting a drug-related DUI, allowing the arresting officer to bypass the breath test will save both time and fuel costs, as the typical breath test takes about thirty minutes to administer, and, currently, the officer has to travel from the jail to the hospital and back to the jail. The time and fuel saved will vary depending on the proximity of the jail to the hospital. Therefore, the expenditure impact to DPS is undetermined.

State Law Enforcement Division. SLED indicates that in FY 2023-24, there were 18,461 breath tests and approximately 1,500 blood and urine tests administered for DUI. SLED estimates that if half of the breath tests administered in a fiscal year are replaced with blood tests, the current testing demands and costs would increase by 513 percent, and the division's current \$5,250,000 investment in upgrades to video recording capabilities and to evidential breath testing instruments would be negated.

SLED indicates that to accomplish the provisions of this bill, it will need to expand its Toxicology department to include 39.0 additional FTEs, specialized instruments, equipment, consumable supplies, and the remodel of building space to accommodate these additions. The new FTEs will increase recurring General Fund expenditures by approximately \$3,287,000 and will include the following positions:

- 25.0 Toxicologists, who will perform specialized toxicology testing and analysis,
- 6.0 Technicians, who will prepare samples for specialized forensic testing and analysis, and
- 8.0 Evidence Control Technicians, who will assist with the submission, inventory, and destruction of physical evidence.

Other recurring operating expenses will total \$680,200 and will be used for training and transportation, cellular devices with mobile hotspot capabilities, lab consumables, and maintenance contracts for instruments. Non-recurring Operating Expenses will total \$5,127,000 and will be used for specialized instruments and equipment and the remodel of SLED's building space to accommodate the additional personnel and equipment.

In total, General Fund expenditures of SLED will increase by approximately \$9,094,200 in FY 2025-26. Expenses will decrease to \$3,967,200 each year thereafter. The agency will request a General Fund appropriation increase for this amount.

Department of Alcohol and Other Drug Abuse Services. The fiscal impact of the bill on DAODAS is pending, contingent upon a response from the agency.

Judicial. This bill will have no expenditure impact to Judicial because the bill does not operationally or fiscally impact the court system.

Commission on Prosecution Coordination. This bill will have no expenditure impact to the Commission on Prosecution Coordination because the bill does not operationally or fiscally impact the court system.

Commission on Indigent Defense. The bill modifies procedures affecting certain criminal prosecutions and may have an undetermined expenditure impact to the Commission on Indigent Defense.

Department of Corrections. The fiscal impact of the bill on the Department of Corrections is pending, contingent upon further clarification from the agency.

Department of Probation, Parole and Pardon Services. The expenditure impact of the bill on PPP is pending, contingent upon a response from the agency.

State Revenue

This bill removes the option for a person whose driver's license has been suspended for certain circumstances to obtain a TAL. Pursuant to Section 56-5-2951(B)(1)(c), a \$100 fee is assessed by DMV for obtaining a TAL, \$25 of which is allocated to DPS for vehicle videotaping equipment and \$75 of which is placed in the State Highway Fund of DOT. Since the number of driver's licenses that will be suspended for these circumstances in the future is unknown, the decrease in Other Funds revenue of DOT and Other Funds revenue of DPS is undetermined. For reference, DMV collected \$459,100 in TAL fees for ages 21 and older in FY 2023-24.

Local Expenditure

N/A

Local Revenue

N/A



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