



# 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. 0357	Introduced on February 18, 2025
<b>Subject:</b>	Mail Theft	
<b>Requestor:</b>	Senate Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	March 4, 2025	

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### Fiscal Impact Summary

This bill creates the felony offense of mail theft, as well as a related lesser offense that does not require intent and establishes associated penalty schedules.

This bill may result in an increase in the number of circuit court cases, 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 the Department of Probation, Parole and Pardon Services (PPP). Judicial indicates that the increase in the caseload in court is expected to be managed within existing appropriations. Additionally, 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. 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 revenue due to the change in fines and fees collections in court.

### Explanation of Fiscal Impact

#### Introduced on February 18, 2025

#### State Expenditure

This bill creates the felony offense of mail theft, which entails:

- Knowingly, willfully, and intentionally depriving, injuring, damaging, or defrauding another person in an effort to take, destroy, hide, or embezzle or obtain mail by fraud or deception;
- Buying, receiving, concealing, or possessing:
  - Stolen mail when the person should have known that the mail was unlawfully taken or obtained;

- A key providing access to a lock adopted by the United States Postal Service (USPS) that offers access to a mail receptacle panel used for centralized mail without proper authorization; or
- A counterfeit device or key providing access to a lock adopted by the USPS providing access to any mail receptacle panel used for centralized mail;
  - Knowingly, willfully, and intentionally stealing any mail inside of a mail receptacle by damaging, opening, tearing down, taking, or destroying any mail receptacle; and
  - Entering into an agreement, confederation, or conspiracy to commit the crime of mail theft and when it does not overtly act towards carrying out such unlawful agreement, confederation, or conspiracy.

These offenses are punishable by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both.

The bill also creates a related offense that does not require intent to defraud a victim but requires intent to deprive, injure, or damage another when the offender takes, destroys, or hides mail, or buys, receives, conceals, or possesses stolen mail he knows or reasonably should have known was unlawfully taken or obtained. This offense is punishable as follows:

<b>Section 16-13-190(D)</b>
<b>1st Offense, Misdemeanor</b>
Fine of $\leq$ \$5,000, imprisonment for $\leq$ 3 years, or both
<b>2nd or Subsequent Offense, Felony</b>
Fine of $\leq$ \$10,000, imprisonment for $\leq$ 10 years, or both

This bill may result in an increase in the number of circuit court cases, 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. Judicial indicates that the increase in the caseload in court is expected to be managed within existing appropriations. Additionally, 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. 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 the 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 revenue due to the change in fines and fees collections in court.



Frank A. Rainwater, Executive Director