



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
 (803)734-0640 • RFA.SC.GOV/IMPACTS

**Bill Number:** H. 3215 Signed by Governor on May 19, 2017  
**Author:** J.E. Smith  
**Subject:** Impersonating a Lawyer  
**Requestor:** House of Representatives  
**RFA Analyst(s):** Gardner  
**Impact Date:** August 2, 2017

**Estimate of Fiscal Impact**

	<b>FY 2017-18</b>	<b>FY 2018-19</b>
<b>State Expenditure</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
<b>State Revenue</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
<b>Local Expenditure</b>	\$0	\$0
<b>Local Revenue</b>	\$0	\$0

**Fiscal Impact Summary**

This bill creates a new offense of impersonating a lawyer and will have no expenditure impact on the Commission on Prosecution Coordination, the Commission on Indigent Defense, the Judicial Department, or the Department of Corrections. The bill is not expected to have a significant impact on General Fund revenue, Other Fund revenue, local government expenditures, or local government revenue.

**Explanation of Fiscal Impact**

**Signed by Governor on May 19, 2017**

**State Expenditure**

This bill makes it unlawful for a person other than a lawyer, who is licensed to practice law in this state, another state, or jurisdiction in the United States, who is not disbarred or suspended, to represent to any person that he is a lawyer for the purpose of soliciting business, obtaining anything of value, or providing legal advice or assistance. A person convicted of a first offense is guilty of a misdemeanor and must be fined not more than \$1,000, imprisoned for not more than one year, or both. A person convicted of a second offense is guilty of a misdemeanor and must be fined not more than \$2,500, imprisoned for not more than three years, or both. A person convicted of a third or subsequent offense is guilty of a felony and must be fined not more than \$5,000, imprisoned for not more than five years, or both.

**Commission on Prosecution Coordination.** The commission indicates that any additional expenditures can be managed within existing resources. The implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

**Commission on Indigent Defense.** The commission indicates that any additional expenditures can be managed within existing resources. The implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

**Judicial Department.** This bill creates the offense of impersonating a lawyer and provides graduated penalties. Any hearings or trials related to this new criminal offense would be held in general circuit court. In FY 2015-16, there were seven charges in state court for the unauthorized practice of law which resulted in three convictions. While there is no data to estimate the number of additional hearings and trials which may result because of this crime, the department expects to manage any additional costs within current resources. Should the bill result in a significant number of additional hearings and trials, it could lead to an increased backlog for common pleas and general circuit courts.

**Department of Corrections.** The department indicates the bill may increase the agency's prison population. Any increase cannot be quantified, however, because existing data for other crimes and conduct cannot be validly extended to make an estimate for the new crime. Nevertheless, the department does not anticipate a significant increase in the agency's inmate population and expects to manage any additional expenditures within the agency's existing resources.

#### **State Revenue**

This bill makes a first offense conviction for impersonating a lawyer a misdemeanor punishable by a fine of not more than \$1,000, imprisoned for not more than one year, or both. A person convicted of a second offense is guilty of a misdemeanor and must be fined not more than \$2,500, imprisoned for not more than three years, or both. A person convicted of a third or subsequent offense is guilty of a felony and must be fined not more than \$5,000, imprisoned for not more than five years, or both. Existing law distributes revenue generated from fines, assessments, and surcharges imposed for convictions among the General Fund, specified state agencies and programs, and local governments. Although data is not available to estimate the number of convictions that may result from this bill, the Revenue and Fiscal Affairs Office does not expect the state's share of any revenue to be significant.

#### **Local Expenditure**

This bill makes it a crime for a person to impersonate a lawyer. The number of such offenses that may occur is unknown. However, the bill's effect on local law enforcement is not expected to be significant.

#### **Local Revenue**

This bill makes a first offense conviction for impersonating a lawyer a misdemeanor punishable by a fine of not more than \$1,000, imprisoned for not more than one year, or both. A person convicted of a second offense is guilty of a misdemeanor and must be fined not more than \$2,500, imprisoned for not more than three years, or both. A person convicted of a third or subsequent offense is guilty of a felony and must be fined not more than \$5,000, imprisoned for not more than five years, or both. Existing law distributes revenue generated from fines, assessments, and surcharges imposed for convictions among the General Fund, specified state agencies and programs, and local governments. Although data is not available to estimate the number of convictions that may result from this bill, the Revenue and Fiscal Affairs Office does not expect local governments' share of any revenue to be significant.

A handwritten signature in blue ink, reading "Frank A. Rainwater". The signature is written in a cursive style with a prominent flourish at the end.

---

Frank A. Rainwater, Executive Director