



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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<b>Bill Number:</b>	H. 3730	Amended by the House of Representatives on April 9, 2019
<b>Author:</b>	Fry	
<b>Subject:</b>	Trafficking in Fentanyl	
<b>Requestor:</b>	Senate Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	January 27, 2020	

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### **Fiscal Impact Summary**

This bill will have no expenditure impact for the Judicial Department, Commission on Prosecution Coordination, Commission on Indigent Defense, or Department of Juvenile Justice as the implementation of the bill will not materially impact the activities of these agencies.

The Department of Corrections reports that during FY2018-19, there were 411 offenders admitted for drug trafficking. This bill has the potential for judicial discretion in sentencing for these convictions, thus the additional number of inmates that may be incarcerated by the department is unknown. Therefore, the expenditure impact of this bill on the General Fund, Other Funds, and Federal Funds of the Department of Corrections is undetermined.

The bill generates new revenue for state and local governments with fines of up to \$100,000. As there is no data to estimate the amount of revenue that may be generated, any state or local revenue generated is undetermined.

### **Explanation of Fiscal Impact**

#### **Amended by the House of Representatives on April 9, 2019**

##### **State Expenditure**

This bill creates the felony offense of trafficking in fentanyl or fentanyl-related substances and adds those substances to the list of Schedule I controlled substances. Possession of four grams or more of fentanyl or any mixture containing fentanyl or a fentanyl-related substance is considered trafficking. A first offense is punishable by imprisonment for not more than ten years and a fine of up to \$50,000. A second or subsequent offense is punishable by imprisonment for not more than twenty years and a fine of up to \$100,000.

**Judicial Department.** This bill creates a new offense and there is no data available with which to estimate the number of hearings or trials that may be initiated in General Sessions Court as a result of this legislation. The agency anticipates that any impact from the increased caseload in general sessions would be absorbed by the Judicial Department. Therefore, this bill will have no expenditure impact to the General Fund, Other Funds, or Federal Funds.

**Commission on Prosecution Coordination.** The bill requires the agency to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

**Commission on Indigent Defense.** The bill requires the agency to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

**Department of Juvenile Justice.** The bill requires the agency to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

**Department of Corrections.** The department indicates that this bill, through its provisions related to trafficking in fentanyl or fentanyl-related substances, has the potential to increase the number of inmates incarcerated in the department's facilities. The department reports that during FY2018-19, there were 411 offenders admitted for drug trafficking. This bill has the potential for judicial discretion in sentencing for these convictions, thus the additional number of inmates that may be incarcerated by the department and the duration of their incarceration is unknown. Therefore, the expenditure impact of this bill on the General Fund, Other Funds, and Federal Funds is undetermined.

### **State Revenue**

The bill creates new fines of up to \$100,000 for offenses related to trafficking in fentanyl. South Carolina law states that the revenue collected from any fines must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer within thirty days of receipt. The State Treasurer shall transmit these funds to the Prosecution Coordination Commission which shall then apportion these funds among the sixteen judicial circuits on a per capita basis equal to the population in that circuit compared to the population of the State as a whole based on the most recent official United States census. The funds must be used for drug treatment court programs only. As there is no data to estimate the amount of revenue that may be generated from the new fines, any state or local revenue generated is undetermined.

### **Local Expenditure**

N/A

### **Local Revenue**

N/A



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Frank A. Rainwater, Executive Director