



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** S. 0179 Signed by Governor on June 10, 2017  
**Author:** Hutto  
**Subject:** Drug or Alcohol Related Overdose Medical Treatment  
**Requestor:** Senate  
**RFA Analyst(s):** Gardner  
**Impact Date:** December 20, 2017

**Estimate of Fiscal Impact**

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

**Fiscal Impact Summary**

Data to determine the effect of this bill on prosecutions and convictions for certain drug and alcohol offenses is unavailable. Therefore, the bill's expenditure and revenue impact on the General Fund, Other Funds, and local government is undetermined.

**Explanation of Fiscal Impact**

**Signed by Governor on June 10, 2017**

**State Expenditure**

This bill provides limited immunity from prosecution for specified drug and alcohol-related offenses committed by someone who seeks medical assistance for another person who is experiencing a drug or alcohol-related overdose, or by someone who himself is experiencing a drug or alcohol-related overdose and seeks medical assistance; allows the court to consider seeking assistance as a mitigating factor in proceedings related to other criminal offenses; and provides law enforcement officers civil and criminal immunity for false arrest or false imprisonment, if the arrest was for an offense to which limited immunity applies and was based on probable cause.

The ratified version of the bill provides additional definitions which includes controlled substance and seeks medical assistance. The bill requires that the person seeking medical assistance provide his own name to authorities and fully cooperate with medical and law enforcement personnel. Furthermore, law enforcement personnel should not be prevented from performing their customary duties as a result of a person's potential immunity. Customary duties

include, 1) the admissibility and seizure of evidence or contraband and 2) the ability to detain, take into custody, or arrest a person for an offense.

The Judicial Department reports that there were approximately 3,347 convictions in General Sessions court in FY 2015-16 related to the offenses under which limited immunity may be sought. However, there is no data to determine the number of convictions against persons who sought medical assistance for themselves or another person. In addition, no data exists to indicate the number of convictions for which seeking medical assistance could have been a mitigating factor or to indicate the extent to which punishment might have been reduced. Therefore, the expenditure impact of this bill on the General Fund and Other Funds is undetermined.

#### **State Revenue**

Data is not available to determine the effect the bill's provisions regarding limited immunity or mitigation would have on convictions and sentencing for certain drug and alcohol offenses. Therefore, the revenue impact of this bill on the General Fund and Other Funds is undetermined.

#### **Local Expenditure**

Because data is not available to project the effect of immunity from prosecution and mitigation of punishment, the expenditure impact on local government is undetermined.

#### **Local Revenue**

The revenue impact of this bill on local government is undetermined because data is unavailable to project the impact immunity or mitigation would have on convictions and sentencing.



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Frank A. Rainwater, Executive Director