



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0369 Introduced on February 7, 2017
Author: Hembree
Subject: Indecent Exposure by Inmates
Requestor: Senate Corrections and Penology
RFA Analyst(s): Gardner
Impact Date: March 7, 2017

Estimate of Fiscal Impact

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

Fiscal Impact Summary

The expenditure impact on the General Fund and Other Funds is undetermined, because the number of prosecutions, convictions and prison sentences for the new crime created by this bill cannot be projected. The impact may be significant, however, given the cost of incarceration and indications there could be numerous convictions.

The expenditure impact of the bill on local governments is undetermined due to the limited number of responses received from surveyed counties.

Explanation of Fiscal Impact

Introduced on February 7, 2017

State Expenditure

This bill relates to inmates in correction or detention facilities and provides that it is unlawful for a person, with the exception of a woman who breastfeeds her own child, to indecently expose his or her person in such a setting. A person convicted of a violation of this provision is guilty of a misdemeanor and must be imprisoned for not more than one year. This sentence must be served consecutively to any other sentence the person may be serving.

Judicial Department. This bill, which makes it unlawful for an inmate to indecently expose himself in a correctional facility, provides that the sentence for such offense shall run consecutively to any other sentence an inmate is serving. While there is an existing statute for indecent exposure in a public place, inmates are currently charged for indecent exposure events under the Department of Corrections' disciplinary policy. As the bill creates a new offense, it

will likely result in additional hearings and trials held in general sessions court and an increased backlog for both the common pleas and general sessions courts. While there is no data available to determine the number of additional hearings or trials that may be held, the department believes any expenditure impact on the General Fund can be absorbed within current resources.

Commission on Prosecution Coordination. As the bill adds a new offense for indecent exposure in a correctional setting, the commission expects there to be an expenditure impact on the General Fund for solicitors. However, as there is no data available to quantify the number of additional cases that may be prosecuted, the extent of the fiscal impact cannot be determined.

Commission on Indigent Defense. The commission reports that should the bill result in additional indecent exposure offenses, it can manage any expenditures within current resources.

Department of Corrections. The department's average cost to incarcerate an inmate during FY 2015-16 was \$54.47 a day or \$19,935 a year. Of this amount, \$49.50 a day or \$18,119 a year was paid from General Fund appropriations. The remainder was paid from special revenues (Other Funds) and Federal Funds. The department indicates 2,277 incidents of exposure were reported during calendar year 2016, and 1,117 inmates convicted through the department's internal disciplinary system. While internal disciplinary actions do not translate to the number of inmates who may be prosecuted and convicted under this bill, they do indicate the current prevalence of the activity and, given the cost of incarceration, the potentially significant expense of additional prison time.

Although the expense may be significant, the impact of this bill on General Fund and Other Funds expenditures is undetermined, because the number of convictions and prison sentences that may be imposed for this new crime are unknown.

Department of Probation, Parole and Pardon Services. The agency reports that the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure

This bill requires a person who indecently exposes himself in a correctional or detention facility to be charged with a misdemeanor, and upon conviction, must be imprisoned not more than one year. The sentence must be served consecutively to any other sentence the person is serving. The Revenue and Fiscal Affairs Office contacted the Municipal Association of South Carolina (MASC) and twenty-three county governments regarding the expenditure impact of the bill. The MASC indicates that this bill will have no expenditure impact on municipal governments. The one responding county indicates that this bill will have no expenditure impact on their locality. Due to the limited number of responses from the surveyed counties, the expenditure impact on county governments is undetermined.

Local Revenue

N/A



Frank A. Rainwater, Executive Director