



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** S. 0504 Introduced on March 2, 2017  
**Author:** Climer  
**Subject:** Assault on a Law Enforcement Officer  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** April 5, 2018

**Estimate of Fiscal Impact**

	FY 2018-19	FY 2019-20
<b>State Expenditure</b>		
General Fund	Undetermined	\$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**

The expenditure impact of this bill, which increases existing penalties for assault and battery on a law enforcement officer, is undetermined given the lack of empirical data on the number of arrests and convictions for offenses of this nature and the judicial discretion in sentencing for these convictions.

**Explanation of Fiscal Impact**

**Introduced on March 2, 2017**

**State Expenditure**

This bill re-establishes Section 16-3-620, previously repealed, which outlined offenses involving assault and battery against a law enforcement officer. The bill revises this section to make it unlawful to commit assault and battery against a law enforcement officer specifically while he is performing his official duties and increases the associated penalties. The impact of these changes is summarized in the following table:

Penalties	Current Law	If Bill is Enacted:
Assault and Battery of a High and Aggravated Nature	Not more than 20 years imprisonment	Not more than 30 years imprisonment
First Degree Convictions	Not more than 10 years imprisonment	Not more than 20 years imprisonment
Second Degree Convictions	A fine of not more than \$2,500 or not more than 3 years imprisonment, or both	A fine of not more than \$5,000 or not more than 10 years imprisonment, or both

*(Continued on next page)*

Penalties	Current Law	If Bill is Enacted:
Third Degree Convictions	A fine of not more than \$500 or not more than 30 days imprisonment, or both	A fine of not more than \$1,000 or not more than 1 year imprisonment, or both

**Judicial Department.** The department reports that offenses for assault and battery of a high and aggravated nature and first and second degree assault and battery committed against a law enforcement officer are currently prosecuted in general sessions courts. However, offenses for third degree assault and battery committed against a law enforcement officer are currently processed in magistrate and municipal courts. The bill’s enhanced penalty for this offense would move jurisdiction to general sessions courts. As the department does not keep records based on the status of the victim of a crime, it is difficult to predict what, if any, increase in general sessions court trials or hearings would result from the bill and whether magistrate and municipal court caseloads would decrease. Should additional hearings or trials be held in general sessions courts as a result of the bill, the department expects to manage any increase in costs using current General Fund resources. Should the caseload in magistrate and municipal courts decrease as a result of the bill, counties and municipalities may see a cost savings.

**Commission on Prosecution Coordination.** As this bill does not add to the duties of the commission, the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

**Commission on Indigent Defense.** As this bill does not add to the duties of the commission, the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

**Department of Corrections.** The department indicates that the bill has the potential to increase the number of inmates incarcerated in the department’s facilities by adding an assault and battery offense to current law in instances where an officer has been the victim of assault and battery during the course of their normal duties. However, given the lack of empirical data on the number of arrests and convictions for this type of offense and the judicial discretion in sentencing for these convictions, 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 is undetermined.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

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Frank A. Rainwater, Executive Director