



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** S. 916                      As signed by the Governor on June 6, 2016  
**Author:** Malloy  
**Subject:** Juvenile Justice Code Definitions  
**Requestor:** Senate  
**RFA Analyst(s):** Gardner and Wren  
**Impact Date:** December 6, 2016

**Estimate of Fiscal Impact**

	FY 2019-20	FY 2020-21
<b>State Expenditure</b>		
General Fund	\$15,957,376	\$5,277,234
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	115.00	0.00
<b>State Revenue</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
<b>Local Expenditure</b>	(\$1,840,000)	(\$1,840,000)
<b>Local Revenue</b>	\$0	\$0

**Fiscal Impact Summary**

Sections 1 through 9 of Senate Bill 916, as amended, will have a recurring and non-recurring General Fund expenditure impact of \$15,957,376 for FY 2019-2020, as well as a recurring General Fund expenditure impact of \$5,277,234 for FY 2020-2021 and each year thereafter. This bill will reduce local law enforcement expenses by \$1,840,000 in FY 2019-2020 and each year thereafter. Currently, there is no expenditure impact to Federal Funds or Other Funds. Section 10 of the bill requires the South Carolina Commission on Indigent Defense, the South Carolina Commission on Prosecution Coordination, the South Carolina Department of Corrections, the South Carolina Department of Juvenile Justice, and the South Carolina Department of Probation, Parole and Pardon Services to determine the fiscal impact of the bill by collecting data for the period of July 1, 2016, through June 30, 2017. Additional data may warrant a revision of the present projection of this legislation’s fiscal impact.

**Explanation of Fiscal Impact**

**Explanation of Amendment by the House of Representatives on May 4, 2016**

**State Expenditure**

This bill changes the juvenile justice code definition of child and juvenile from less than seventeen years of age to less than eighteen years of age. It also provides that a person seventeen years of age who is charged with a Class A, B, C, or D felony or a felony having a maximum term of imprisonment of fifteen or more years may have the case remanded, at the discretion of the solicitor, to family court. The bill amends existing law that provides the circuit court may transfer to family court any cases involving children who are under the age of seventeen years at

the time an alleged offense is committed by raising the child's age to eighteen. The bill also provides that for children aged seventeen years or older charged with an offense that, if committed by an adult, would be considered either a misdemeanor, a Class E or F felony, or a felony providing for a maximum term of imprisonment of ten years or less, the court may bind over the child for appropriate proceedings to a court having trial jurisdiction of the offenses if committed by an adult. Should a child aged sixteen years who is charged with an offense that, if committed by an adult, would either be a Class A, B, C, or D felony or a felony providing for a maximum term of imprisonment of fifteen years or more, the court may bind over the child for appropriate proceedings to a court having trial jurisdiction of the offenses if committed by an adult. All sections of the bill, except Section 10, become effective on July 1, 2019. Section 10, which relates to initial data and statistics collection, became effective June 6, 2016.

**Department of Juvenile Justice.** The Department of Juvenile Justice (DJJ) estimates this bill will result in \$5,358,000 in recurring General Fund appropriations for an additional 115 staff at a cost of \$4,960,817 in personal service and employer contribution, and \$397,183 for operating expenses based on costs at existing evaluation centers. The agency projects it will need \$10,680,142 in non-recurring General Fund appropriations for the construction of additional facilities.

The agency will need to hire 12 additional intake staff to handle an average caseload of 35 seventeen year olds each for an estimated 3,432 total referrals. This number of referrals is based on the number of referrals for sixteen-year olds to DJJ county offices in FY 2014-15. The hiring of new intake staff would cost \$391,680 in personal service and employer contributions. The agency will also need to hire 16 additional probation and parole officers to oversee an average caseload of 25 seventeen year olds each. This estimate is based on the number of seventeen year olds who were supervised by the Department of Probation, Parole and Pardon Services (PPPS) during 2015 (388). The hiring of new probation and parole officers would cost \$482,704 in personal service and employer contributions for the 16 additional officers.

The average daily population of seventeen year-olds incarcerated at the SC Department of Corrections during 2015 was 29 youths. DJJ has the capacity to house this number at its Broad River Road Center but would need additional staff. The bill would also increase the number of seventeen-year olds who are placed at DJJ for a court-ordered evaluation, who are committed to DJJ and processed through admissions, and who are placed at its juvenile detention facility. This will result in exceeding design capacity at the existing regional evaluation centers and the juvenile detention center. The agency believes its best option to address this issue is to construct a new regional evaluation center in the Pee Dee area. The cost to construct a new Pee Dee regional evaluation center is projected at \$10,680,142 based on construction costs of its existing Coastal Evaluation Center. An additional 87 employees would be needed to staff the new evaluation center and handle the increased population at the Broad River Road Center at a cost of \$4,086,433 in personal service and employer contributions.

**Department of Corrections.** The South Carolina Department of Corrections (SCDC) reports that this bill would result in an \$80,766 savings to the General Fund, as seventeen year old inmates who had previously been housed at SCDC would now be served by the Department of Juvenile Justice. The department indicates that this bill would reallocate 70 inmates at an average savings of \$6.41 per day for an average of 180 days.

**Judicial Department.** The Judicial Department indicates that this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

**Department of Probation, Parole and Pardon Services.** Generally, the Department of Probation, Parole, and Pardon Services (PPP) currently monitors and supervises persons who are released to probation and parole, if they were 17 years of age or older at the time an offense was committed. PPP also supervises juveniles when they reach the age of 18 or older, and they were adjudicated delinquent and released to parole by the family court or Juvenile Parole Board. Under this legislation, PPP expects its client population to change. With some exceptions, 17-year-old juveniles will be under DJJ's jurisdiction and supervised by that agency when released on probation, and the age of the juveniles PPP supervises when released by the Juvenile Parole Board will increase from 18 to 19. Although these changes will reduce PPP's caseload for these age groups, the agency expects an increase in the population it supervises based on DJJ's expected increase in juveniles receiving indeterminate sentences and the rate of parole granted by the Juvenile Parole Board. Presently, PPP anticipates the net change will be minimal.

**Commission on Indigent Defense and Commission on Prosecution Coordination.** These agencies, along with the Department of Corrections, the Department of Juvenile Justice, Court Administration, and the Department of Probation, Parole and Pardon Services, have formed a workgroup to determine the data and collection methodology that should be used to determine the fiscal impact of the bill. Data collection is on-going and may warrant an adjustment of the present fiscal impact.

#### **State Revenue**

N/A

#### **Local Expenditure**

The Revenue and Fiscal Affairs Office contacted all forty-six county governments and the Municipal Association of South Carolina regarding the expenditure impact of this bill. Based on data obtained from county and municipal law enforcement agencies, it costs about \$53 per day to house seventeen year old inmates. The Department of Juvenile Justice reports that while there were 3,432 referrals of sixteen year olds to their county offices in FY 2014-15, only 1,157 were incarcerated for some period of time, with an average daily stay of approximately thirty days. Assuming seventeen year olds follow a similar pattern and the number of incarcerations remains steady, we estimate that this bill will reduce local law enforcement expenses by \$1,840,000 when implemented and each year thereafter.

## **Local Revenue**

N/A

## **Explanation of Bill Filed December 2, 2015**

### **State Expenditure**

This bill changes the juvenile justice code definition of child and juvenile from less than seventeen years of age to less than eighteen years of age. It also provides that a person sixteen years of age who is charged with a Class A, B, C, or D felony or a felony having a maximum term of imprisonment of fifteen or more years be given the right to have the case remanded to family court. Further, it enables the circuit court to transfer to family court any cases involving children who are under the age of eighteen years at the time an alleged offense is committed; however, if such offense, when committed by an adult, would be considered a violent crime, the circuit court may retain jurisdiction. For a child under the age of eighteen who has been charged with certain offenses, the circuit court may bind over the child to whichever court would have trial jurisdiction had the offenses been committed by an adult.

**Department of Juvenile Justice.** The agency reports that this bill will increase General Fund expenditures by \$5,358,000 in recurring funds and \$10,680,142 in non-recurring funds in FY 2016-17. There will be no expenditure impact on Federal or Other Funds. Recurring funds will be used for additional operating costs and 115 new FTEs for intake and probation/parole staff to manage the increased youth population. The agency estimates it will receive referrals for over 3,000 seventeen year olds. Non-recurring funds will be used to construct a male living unit at the agency's Broad River Road Complex and a Regional Evaluation Center in the Pee Dee area, both of which will accommodate the increased youth population.

**Department of Corrections.** The South Carolina Department of Corrections (SCDC) reports that this bill would result in an \$80,766 savings to the General Fund, as seventeen year old inmates who had previously been housed at SCDC would now be served by the Department of Juvenile Justice. The department indicates that this bill would reallocate seventy inmates at an average cost of \$6.41 per day for an average of 180 days.

**Judicial Department.** The Judicial Department indicates that this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

## **State Revenue**

N/A

### **Local Expenditure**

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incarcerated for some period of time, with an average daily stay of approximately thirty days. Assuming seventeen year olds follow a similar pattern and the number of incarcerations remains steady, we estimate that this bill will reduce local law enforcement expenses by \$1,840,000 in FY 2016-17 and each year thereafter.

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director