



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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<b>Bill Number:</b>	S. 1158	Introduced on March 15, 2022
<b>Author:</b>	Allen	
<b>Subject:</b>	Check Expungement	
<b>Requestor:</b>	Senate Judiciary	
<b>RFA Analyst(s):</b>	Gardner	
<b>Impact Date:</b>	April 13, 2022	

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### **Fiscal Impact Summary**

This bill allows for the expungement of multiple misdemeanor offenses of fraudulent check over a three-year period, ten years after the date of the last conviction.

Judicial and the Commission on Prosecution Coordination indicate the implementation of this bill will have no expenditure impact because any additional responsibility can be managed within the normal course of business.

This bill may result in an undetermined increase in General Fund and Other Fund revenue and local revenue due to the potential increase in court fines and fees as well as fees collected for the application of expungement. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Additionally, the fees required for an expungement request through the solicitor's office consist of a \$250 administrative fee paid to the local solicitor, a \$25 fee paid to SLED, and a \$35 fee paid to the Clerk of Court. Any increase in fines and fees is dependent upon the increased number of expungement applications.

The Revenue and Fiscal Affairs Office (RFA) anticipates this bill will have no local expenditure impact based on the responses provided by the counties of Charleston and Horry.

### **Explanation of Fiscal Impact**

#### **Introduced on March 15, 2022**

#### **State Expenditure**

This bill allows for the expungement of multiple misdemeanor offenses of fraudulent check over a three-year period, ten years after the date of the last conviction. Currently, only the first offense for check fraud may be expunged. Solicitors' offices handle all expungements except for non-convictions in magistrate or municipal court.

**Judicial.** Judicial indicates that while there is no data to estimate the number of requests for expungement that may be heard in magistrate or municipal courts, in FY 2020-21 the total overall case filings for fraudulent check offenses were as follows:

CDR Code	Statute Description	Total Filings FY 20-21
446	Checks / Fraudulent check, or stop payment, > \$1000.00 - 2nd or sub.	8
670	Checks / Fraudulent check, or stop payment, \$500 or less - 1st offense	1,000
671	Checks / Fraudulent check, or stop payment, \$500 or less - 2nd or sub offense	63
800	Checks / Fraudulent check, or stop payment, > \$1000.00 - 1st offense	108
2429	Banking / Violation of Bank Deposits chapter value \$500 - \$1000 - 1st offense	2
2430	Banking / Violation of Bank Deposits chapter value \$500 - \$1000 - 2nd or sub offense	0
2431	Banking / Violation of Bank Deposits chapter value \$500 or less- 1st offense	0
2432	Banking / Violation of Bank Deposits chapter value \$500 or less - 2nd or sub offense	0
2883	Checks / Fraudulent checks or stop payment > \$500 < \$1000, 1st offense	102
2884	Checks / Fraudulent checks or stop payment > \$500 < \$1000, 2nd or sub. Offense	3
3179	Banking / Violation or Bank Deposits chapter value >\$1000 - \$5000 - 1st offense	1
3180	Banking / Violation or Bank Deposits chapter value >\$1000 - \$5000 - 2nd or sub offense	0
3386	Checks / Fraudulent use of checks, or stop payment, more than \$5,000 - 1st offense	20
3387	Checks / Fraudulent use of checks, or stop payment, more than \$5,000 - 2nd offense	0

Judicial will provide support to local jurisdictions for the implementation of this expungement process including updating forms and offering training as needed. Judicial anticipates being able to manage these additional responsibilities within the normal course of business. Therefore, this bill will have no expenditure impact for Judicial.

**Commission on Prosecution Coordination.** The bill may result in an increase in the number of expungements handled by the solicitors' offices, which is overseen by the commission. The commission anticipates the increase in expungements can be managed within the normal course of agency business. As a result, this bill does not have an expenditure impact.

### State Revenue

This bill may result in more expungements being heard in magistrates and municipal courts. This increase in the number of cases heard in court may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Additionally, the fees required for an expungement request through the solicitor's office consist of a \$250 administrative fee paid to the local solicitor, a \$25 fee paid to SLED, and a \$35 fee paid to the Clerk of Court. However, the amount General Funds and Other Funds revenue and local revenue that may be generated as a result of the bill is undetermined, as the increased number of expungement requests is unknown.

### Local Expenditure

This bill may result in more expungements requested through the solicitors' offices and being heard in magistrates and municipal courts. However, there is no data to estimate the number of expungement requests that may occur. RFA contacted local governments to solicit feedback on the provisions of the bill and received responses from Charleston County and Horry County. Both counties indicated that the bill would have no expenditure impact. Based on these responses, RFA anticipates this bill will have no local expenditure impact.

### **Local Revenue**

This bill may result in more expungements requested through the solicitors' offices and being heard in magistrates and municipal courts. The increase in the number of cases heard in court may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Additionally, the fees required for an expungement request through the solicitor's office consist of a \$250 administrative fee paid to the local solicitor, a \$25 fee paid to SLED, and a \$35 fee paid to the Clerk of Court. However, the amount General Funds and Other Funds revenue and local revenue that may be generated as a result of the bill is undetermined, as the increased number of expungement requests is unknown.



Frank A. Rainwater, Executive Director