



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	S. 0083	Amended by Senate Judiciary on March 21, 2017
Author:	Hembree	
Subject:	Involuntary Manslaughter	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	March 24, 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	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

The expenditure impact of the amended bill on the General Fund, Other Funds, and Federal Funds is undetermined as data is not available to estimate the effect of expanding the definition of involuntary manslaughter. The amended bill is not expected to have an expenditure impact on local government.

Explanation of Fiscal Impact

Amended by Senate Judiciary on March 21, 2017

State Expenditure

The bill expands the definition of involuntary manslaughter to include the unlawful sale or delivery of a controlled substance, controlled substance analogue, or other unlawful substance when the ingestion of such substance caused the death of a user. The bill is amended to delete provisions increasing the maximum imprisonment time for those convicted of involuntary manslaughter from five years to fifteen years. Under the amended bill, the maximum sentence for involuntary manslaughter remains five years.

Commission on Prosecution Coordination. The commission indicates there is no method by which to estimate the number of new cases that may be tried due to the bill's expansion of the definition of involuntary manslaughter. However, the commission expects any additional costs associated with an increase in prosecutions to be managed within current resources.

Commission on Indigent Defense. The bill expands the definition of involuntary manslaughter to include the unlawful sale of a controlled substance when the ingestion of such substance causes the death of the user. The commission indicates the amended definition may result in an

increase in cases for offenders represented by public defenders. However, the commission expects any increase to be managed within current resources.

Judicial Department. This bill expands the definition of involuntary manslaughter to include the unlawful sale or delivery of a controlled substance, controlled substance analogue, or other unlawful substance when the ingestion of such substance has caused the death of a user. The department reports that during FY 2015-16, there were nine convictions for non-traffic related involuntary manslaughter and 3,365 convictions for drug offenses that included distribution, sale, and possession with intent to distribute. Due to the expansion of the definition of involuntary manslaughter, additional hearings and trials could be held in general sessions court and lead to a backlog of cases. While there is no data available to indicate the number of additional hearings or trials that may result, the department expects to manage any additional costs within current resources.

Department of Corrections. This bill expands the definition of involuntary manslaughter to include the unlawful sale or delivery of a controlled substance, a controlled substance analogue, or other unlawful substance when the ingestion of such substance causes the death of a user. Data does not exist to determine the number of offenders who may be convicted of involuntary manslaughter based on the new conduct added to the definition. Therefore, the expenditure impact of the amended bill is undetermined.

State Revenue

N/A

Local Expenditure

This bill expands the definition of involuntary manslaughter to include activities associated with the sale or distribution of unlawful substances when ingestion causes the death of the user. The Revenue and Fiscal Affairs Office does not expect this to have a significant expenditure impact on local law enforcement as the expanded crime of involuntary manslaughter includes activity currently subject to enforcement.

Local Revenue

N/A

Introduced on January 10, 2017

Updated for Additional Agency Response

State Expenditure

This bill expands the definition of involuntary manslaughter to include the unlawful sale or delivery of a controlled substance, controlled substance analogue, or other unlawful substance when the ingestion of such substance has caused the death of a user. It also increases the maximum imprisonment time for those convicted of involuntary manslaughter from five years to fifteen years.

Commission on Prosecution Coordination. The commission indicates there is no method by which to estimate the number of new cases that may be tried due to the bill's expansion of the definition of involuntary manslaughter. However, the commission expects any additional costs

associated with an increase in prosecutions to be managed within current resources. This impact statement is updated to include the commission's information.

Commission on Indigent Defense. The bill expands the definition of involuntary manslaughter to include the unlawful sale of a controlled substance when the ingestion of such substance causes the death of the user. The commission indicates the amended definition may result in an increase in cases for offenders represented by public defenders. However, the commission expects any increase to be managed within current resources. This impact statement is updated to include the commission's information.

Judicial Department. This bill expands the definition of involuntary manslaughter to include the unlawful sale or delivery of a controlled substance, controlled substance analogue, or other unlawful substance when the ingestion of such substance has caused the death of a user. The department reports that during FY 2015-16, there were nine convictions for non-traffic related involuntary manslaughter and 3,365 convictions for drug offenses that included distribution, sale, and possession with intent to distribute. Due to the expansion of the definition of involuntary manslaughter, additional hearings and trials could be held in general sessions court and lead to a backlog of cases. While there is no data available to indicate the number of additional hearings or trials that may result, the department expects to manage any additional costs within current resources.

Department of Corrections. This bill expands the definition of involuntary manslaughter to include the unlawful sale or delivery of a controlled substance, a controlled substance analogue, or other unlawful substance when the ingestion of such substance causes the death of a user. Data does not exist to determine the number of offenders who may be convicted of involuntary manslaughter based on the new conduct added to the definition. Therefore, the expenditure impact of this part of the bill is undetermined.

The bill also increases the maximum term of imprisonment for involuntary manslaughter from 5 to 15 years. During FY 2014-15 and FY 2015-16, the Department of Corrections averaged 7 new inmates a year whose most serious offense was involuntary manslaughter and whose sentence was the current maximum of 5 years. Because data does not exist to estimate the length of sentence these inmates may have received in excess of 5 years if the new maximum had been authorized, the expenditure impact for increasing the maximum term of imprisonment is undetermined. However, allowing a longer sentence has a compounding effect on the prison population. Assuming each year 7 new inmates are convicted of involuntary manslaughter and sentenced to the maximum 15 years, 7 more inmates would be added to the prison population beyond the current levels each year beginning after the initial 5-year term, until the first group of 7 completes its 15 years. The Department of Corrections indicates the variable cost for each additional inmate is \$2,474 a year. Therefore, part of the cost of the new maximum sentence of 15 years would be \$2,474 multiplied by the number of inmates who are actually sentenced to and serving more than 5 years at a given time. These numbers would also be impacted by increases in any involuntary manslaughter convictions with sentences in excess of 5 years for unlawfully selling or delivering a controlled substance or other unlawful substance when ingestion causes the death of the user.

In summary, the expenditure impact for the Department of Corrections due to expanding the definition of involuntary manslaughter and increasing the maximum sentence for the crime, separately and in combination, is undetermined.

This impact statement is updated to include the department's information.

State Revenue

N/A

Local Expenditure

This bill expands the definition of involuntary manslaughter to include activities associated with the sale or distribution of unlawful substances when ingestion causes the death of the user. The Revenue and Fiscal Affairs Office does not expect this to have a significant expenditure impact on local law enforcement as the expanded crime of involuntary manslaughter includes activity currently subject to enforcement.

Local Revenue

N/A

Introduced on January 10, 2017

State Expenditure

This bill adds to the offenses that may be considered cases of involuntary manslaughter the unlawful sale or delivery of a controlled substance, controlled substance analogue, or other unlawful substance when the ingestion of such substance has caused the death of a user. It also increases the imprisonment time for those convicted of involuntary manslaughter from not more than five years to not more than fifteen years.

Judicial Department. This bill expands the definition of involuntary manslaughter to include the unlawful sale or delivery of a controlled substance, controlled substance analogue, or other unlawful substance when the ingestion of such substance has caused the death of a user. The department reports that during FY 2015-16, there were nine convictions for non-traffic related involuntary manslaughter and 3,365 convictions for drug offenses that included distribution, sale, and possession with intent to distribute. Due to the expansion of the definition of involuntary manslaughter, additional hearings and trials could be held in general sessions court and lead to a backlog of cases. While there is no data available to indicate the number of additional hearings or trials which may result, the department can manage any additional costs within current resources.

Administrative Law Court. The implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

Prosecution Coordination Commission. A determination of the bill's fiscal impact is pending, as the agency is still reviewing the bill.

Department of Corrections. A determination of the bill's fiscal impact is pending, as the agency is still reviewing the bill.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

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Frank A. Rainwater, Executive Director