



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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<b>Bill Number:</b>	S. 1018	Introduced on January 16, 2020
<b>Author:</b>	Malloy	
<b>Subject:</b>	South Carolina Juvenile Justice Reform Act of 2020	
<b>Requestor:</b>	Senate Judiciary	
<b>RFA Analyst(s):</b>	Gardner, Gallagher, Griffith, Martin, Payne, and Wren	
<b>Impact Date:</b>	March 10, 2020	

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### **Fiscal Impact Summary**

The expenditure impact of this bill on the Department of Juvenile Justice (DJJ), the Attorney General and the Criminal Justice Academy is pending, contingent upon responses from the agencies.

The Judicial Department reports that as the bill creates new programs, creates new offenses, and establishes new requirements that affect the family courts, there is no data with which to estimate the impact on family court caseloads. Therefore, the extent of any expenditure impact or cost savings that may result from enactment of the bill is undetermined.

The Commission on Prosecution Coordination indicates the bill will result in a significant but undetermined increase in its General Fund expenditures.

The Commission on Indigent Defense has determined that Sections 28, 29, and 30 will require the addition of sixteen new educational attorneys and sixteen new social workers, with one attorney and one social worker assigned to each of the sixteen circuit public defenders offices, resulting in a recurring expenditure increase of \$2,737,400.

The Department of Public Safety estimates a recurring expenditure impact of \$85,184 in General Funds and \$2,200 in nonrecurring General Funds for computer equipment. The department will hire one FTE to facilitate the development of community-based services for children.

This bill will have no expenditure impact on the Department of Education, Department of Mental Health, Department of Disabilities and Special Needs, Department of Social Services, Department of Corrections, Department of Probation, Parole and Pardon Services, and the Department of Motor Vehicles.

The Department of Natural Resources indicates that the bill would result in an expenditure increase due to additional time that would be expected of its officers; however, due to the lack of existing data on offense's, any expenditure impact on General Funds is undetermined.

The Department of Children's Advocacy indicates that the creation of the Children's Bill of Rights and the establishment of new reporting requirements will result in a recurring expenditure impact of \$136,734 beginning in FY 2020-21 and a non-recurring expenditure impact of \$1,000 for FY 2020-21 only.

The bill is expected to have an undetermined impact on Other Funds fine and fee revenue due to changes hearings and procedures for juveniles. The overall impact is undetermined as data are unavailable to estimate the changes.

Of the counties and municipal organizations surveyed, Charleston and Lancaster Counties provided responses on the expected expenditure impact of the bill. All parties report the bill is expected to have no expenditure impact on county or municipal governments. However, due to the lack of response from all the surveyed localities, the expenditure impact of this bill on local government is undetermined.

## **Explanation of Fiscal Impact**

### **Introduced on January 16, 2020**

#### **State Expenditure**

This bill amends provisions related generally to the needs and services of children in the custody of the Department of Juvenile Justice or a local institutional facility. The following is a summary of the sections of the bill:

**Section 1.** This section of the bill establishes that the act may be referred to as the “South Carolina Juvenile Justice Reform Act of 2020.”

**Section 2.** This section of the bill amends provisions related to the State’s children’s policy and requires juvenile justice agencies to ensure the system emphasizes the preference for in-home treatment. These agencies must develop and implement outcome-based policies that promote the importance of family and community in the prevention of juvenile crime, promote collaboration between public and private entities to address community risk factors, and recognize the need for efficient cooperation between local, state, and federal government.

**Section 3.** This section of the bill establishes a list of juvenile offender civil citations and requires each circuit solicitor to create a juvenile offender civil citation program that assesses no participation fees. This statewide program will be managed by a civil citation coordinator within the Department of Juvenile Justice (DJJ) and will include assessment and intervention services that a child voluntarily agrees to complete in lieu of formal custody and prosecution. DJJ must maintain a database of program participants for the purpose of identifying eligibility and configuring overall program statistics. Information specific to participants will not be subject to public disclosure under the Freedom of Information Act unless otherwise provided by law.

**Section 4.** This section of the bill amends provisions related to student threats to define an act of mass violence as one that a reasonable person would conclude could lead to the serious bodily injury or death of two or more people. This offense would now be considered a misdemeanor punishable by a fine of not more than \$2,000 or imprisonment for not more than one year, or both.

**Section 5.** This section of the bill amends provisions related to the unlawful carry of weapons onto school property to inflict harm on others. The bill modifies the offense of unlawful carry of weapons onto school property to inflict harm on others to specify that the intent is to inflict

serious bodily injury or death, and it creates a lesser offense where the intent is to inflict bodily injury. The more serious violation remains a felony offense punishable by a fine of not more than \$1,000 or imprisonment for not more than five years, or both. The lesser violation is a misdemeanor offense punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

**Section 6.** This section of the bill removes the requirement that a person who has been adjudicated delinquent for specific sex offenses register as a sex offender in this state.

**Section 7.** This section of the bill provides that a child aged fourteen or older at the time of a specific sex offense who has been adjudicated delinquent may be required by the family court to register as a sex offender. DJJ must maintain the file for any child ordered by the family court to register as a sex offender so that the child may access the file for any future petition for removal from the registry. For a child who has been adjudicated delinquent of a particular sex offense(s) and is a registered sex offender, the court may order DJJ to supervise and monitor the offender with an active electronic monitoring device until such time that he is ordered to be released from the requirements of registration or is otherwise in the custody of DJJ or another correctional institution. The Department of Probation, Parole, and Pardon Services (DPPPS) is charged with supervising and monitoring a child who completes any pending family court sentence or adjudication after reaching the age of eighteen, or ultimately upon reaching the age of twenty-two. Once a person required by the family court to register as a sex offender reaches the age of twenty-three, he may petition the court for removal from the sex offender registry and from any electronic monitoring requirement, or both. A petitioner whose request is denied by the court must wait three years from the date of the final order before reapplying.

**Section 8.** This section of the bill changes the availability of information concerning persons adjudicated delinquent for certain sexual offenses by prohibiting the public release of information related to children adjudicated delinquent of such offenses. The information will still be made available to specific persons or groups.

**Section 9.** This section of the bill removes the requirement that persons adjudicated of delinquency for certain sexual offenses be monitored with an electronic monitoring device upon release or while under the supervision of DPPPS. The bill also removes the requirement for DJJ to monitor all juveniles adjudicated delinquent in family court who require monitoring while under the jurisdiction of the family court or Board of Juvenile Parole.

**Section 10.** This section of the bill revises the definition of status offense to remove references to playing or loitering in a billiard room, playing a pinball machine, or gaining admission to a theater by false identification.

**Section 11.** This section of the bill enables the family court to retain jurisdiction of a person who has registered as a child sex offender for a prior adjudication in the family court so that the court may review any petition for removal from the sex offender registry.

**Section 12.** This section of the bill amends provisions related to the concurrent jurisdiction of magistrate and municipal courts with the family courts when a defendant under eighteen years of

age is charged with traffic or wildlife violations when these courts would have jurisdiction of the offense charged if committed by an adult.

**Section 13.** This section of the bill adds a provision that enables a person required to report child neglect or abuse to not make a report if he is employed by a lawyer who is providing representation in a criminal, delinquency, civil, or family law matter when the basis for suspicion arises in the course of that representation.

**Section 14.** As in Section 10, this section of the bill revises the definition of status offense to remove references to playing or loitering in a billiard room, playing a pinball machine, or gaining admission to a theater by false identification.

**Section 15.** This section of the bill creates the Children's Bill of Rights to establish certain protections for children in the custody of state, regional, or local institutional facilities. Detention facilities are required to inform children in custody of the existence of their rights and must provide written notice of the children's rights. Detention facilities retain the right to impose reasonable restrictions on children's rights in order to ensure the safety of the child, public, facility staff, and other children in custody. A child who believes his rights have been violated may raise a grievance by contacting specific individuals, organizations, the court, or the Department of Children's Advocacy.

**Section 16.** This section of the bill requires a law enforcement officer or official to arrange for a child aged fifteen or younger to consult with legal counsel prior to conducting any custodial interrogation. Such consultation is not required if the officer questioning the child believes the information sought is necessary to protect life or property and his questions are limited to those that are reasonably necessary. In determining the admissibility of statements made by a child aged fifteen or younger during an interrogation, the court must consider the effect of the questioning official's failure to arrange the required consultation with counsel.

**Section 17.** This section of the bill denotes new reporting requirements that must be included in DJJ's annual report. The report, which currently contains financial and facility information, must now include data on referral and case type as well as data on children placed in corrective room restriction.

**Section 18.** This section of the bill requires DJJ to develop and use structured decision-making tools at all key points in the juvenile justice process.

**Section 19.** This section of the bill, which relates to institutional services provided by DJJ, changes the word correctional to rehabilitative and requires that a child must be administered a biopsychosocial assessment prior to commitment at a DJJ facility.

**Section 20.** This section of the bill specifies the information that must be included in a delinquency petition alleging that a child, while he has been in the custody of DJJ, has committed a misdemeanor offense carrying a maximum term of imprisonment of less than five years if committed by an adult.

**Section 21.** This section of the bill adds definitions for solitary confinement and corrective room restriction and specifies the procedures to be used when a child housed in a state, regional, or local institutional facility is subjected to corrective room restriction. In no instance may a child remain in corrective room restriction beyond 72 consecutive hours. Every state, regional, or local institutional facility for children must provide a monthly report to the Department of Children's Advocacy to denote the number of children subjected to and the time spent in corrective room restriction and to document instances of corrective room restriction that exceed 72 consecutive hours.

**Section 22.** This section of the bill adds a provision to allow DJJ to establish agreements with the Department of Education, Department of Mental Health, individual school districts, and other state and local departments specific to reentry services for children to be discharged from the custody of DJJ. Programs and services provided by such agreements must be accessible to students for as long as needed while a child is in the custody of DJJ and after he is discharged.

**Section 23.** This section of the bill requires each judicial circuit to establish at least one pre-detention intervention program for children who commit first-time, non-violent, delinquent acts. These programs may assess no participant fees and must divert eligible children from initial contact with the juvenile justice system using evidence-based approaches. DJJ must implement and oversee these programs statewide and provide competitively awarded funding to at least one such program in each judicial circuit to supplement other funding received by the program. Records of a child's involvement with a circuit diversion program must remain separate from the records of children referred to DJJ and may not be reflected on his criminal history. Each circuit diversion program must submit to DJJ on at least an annual basis data on the demographics of participants, the offenses committed, the counties in which offenses were committed, and the referring entities.

**Section 24.** This section of the bill creates within DJJ's budget the Juvenile Justice Improvement Fund to be used for community-based diversion or intervention programs that reduce youth risk factors and/or rates of recidivism. DJJ must at least annually transfer into this fund available state general recurring funds saved as a result of decreased reliance on out-of-home placement of youth. DJJ must also create a plan to incentivize the development of a continuum of evidence-based community intervention programs and services for children under DJJ supervision. Counties with the highest rates of out-of-home placement and those having few existing community-based alternatives will be given funding priority. DJJ may contract with other service agencies to build a statewide continuum of community-based services for children and families.

**Section 25.** This section of the bill amends procedures related to taking a child into custody. A law enforcement officer who has taken a child into custody may release the child to a parent or other approved party upon written promise to bring the child to the court at the designated time. Should the child fail to appear, a summons or warrant may be issued for the apprehension of the sponsoring person or the child. The bill also deletes the requirement that when a child is charged for a misdemeanor or felony if committed by an adult (excluding a traffic or wildlife violation under the jurisdiction of courts other than the family court), the detaining officer must notify the principal of the school in which the child was enrolled as to the nature of the offense. The bill

now prescribes that a child aged seventeen or older who has been detained by law enforcement but not released to a parent or other approved party must have a hearing before a magistrate or municipal court. The judge must order the child's release pending trial on the child's own recognizance without surety unless he poses a flight or safety risk.

**Section 26.** This section of the bill changes references to the term juvenile to child, establishes the circumstances where pre-trial detention is authorized, and revises the circumstances which make a child eligible for detention in a secure juvenile detention facility. For the pre-trial detention of a child, DJJ must ensure that it is the least restrictive appropriate option to prevent an unreasonable flight or public safety risk. A child is only eligible for detention in a juvenile detention facility under certain conditions, and secure confinement must only be used for a child posing a flight or public safety risk. In addition, the bill removes the prohibition against the secure confinement of juveniles in adult jails unless they are to be tried as an adult, and it removes the requirement that a child taken into custody for a violation that would not be a criminal offense if committed by an adult may not be detained for more than 24 hours in a juvenile detention facility. A child taken into custody for a violation that would not be a criminal offense if committed by an adult or because of a violation of a court order related to a status offense may not be detained in any detention facility and must instead be held in an alternative non-secure facility.

**Section 27.** As in Section 26, this section of the bill changes references to the term juvenile to child. It also enables the family court to order after a child's detention hearing that he be detained in an approved home, program, or facility other than a secure juvenile detention facility for no longer than 90 days.

**Section 28.** As in Section 26 and 27, this section of the bill changes references to the term juvenile to child. It also enables a child brought before family court or referred to DJJ for a status offense which would be a crime if committed by an adult to be referred to a diversion program under certain conditions.

**Section 29.** This section of the bill is related to the institution of a proceeding with respect to a child and requires that documentation of reasonable effort by the family be provided to DJJ before a petition may be filed or a referral accepted. When no prior assistance has been sought, DJJ must refer the family to community service providers for assistance. DJJ will accept a referral for a school-related offense and allow a petition to be filed for a child charged with a felony offense or charged with a misdemeanor offense provided appropriate documentation is submitted.

**Section 30.** This section of the bill relates to a preliminary inquiry that must be made by the court before delinquency proceedings occur and provides that in any case upon service of a petition, the child's parent or guardian must be given written notice of the specific charges and allegations to be considered at the hearing.

**Section 31.** This section of the bill prevents a child respondent to a petition from paying for participation in a diversion program or paying more than \$500 in restitution as a requirement of

any diversion or intervention program. An otherwise eligible child may not be denied admission into a diversion or intervention program for owing a restitution amount exceeding \$500.

**Section 32.** This section of the bill provides that the court may, at any time prior to an adjudication of a petition involving a child, order that the proceeding be adjourned in contemplation of dismissal for a period not to exceed six months so long as the child has not committed a violent offense. Any party may make a motion to adjourn a petition in contemplation of dismissal. This bill also outlines the permissible terms and conditions that may be included in a contemplation of dismissal order.

**Section 33.** This section of the bill relates to the transfer of jurisdiction from the family court. The bill specifies that if a child seventeen years of age or older at the time of the alleged commission of an offense that, if committed by an adult, would be a misdemeanor, Class E or F felony, or a felony carrying a maximum prison term of ten years or less, the family court may act as committing magistrate and bind over the child for criminal proceedings to a court with trial jurisdiction of the offense if committed by an adult. A child aged sixteen at the time of the alleged commission of an offense that, if committed by an adult, would be a Class A through D felony or a felony providing for a maximum prison term of fifteen years or more, the family court may act as committing magistrate and bind over the child for criminal proceedings to a court with trial jurisdiction of the offense if committed by an adult.

**Section 34.** This section of the bill requires the family court to enter the least restrictive appropriate disposition order for a child based on the circumstances of the child and the seriousness of the offense. It also provides that a child adjudicated delinquent for a probation violation or being held in contempt of court for violating a prior court order may be sentenced to an additional six months of probation. The maximum term of probation will be based on the most severe adjudicated offense but in no way may extend after the child's twentieth birthday. The bill also establishes requirements for monetary restitution by a child offender under certain circumstances and requires DJJ to pay for drug screenings that are required as a condition of a child's probation or community evaluation period when the child's health insurance will not cover the costs. The court may place a child on administrative supervision with DJJ for a period of up to one year to pay restitution or to complete community service or another sanction.

**Section 35.** This section of the bill requires each circuit solicitor to operate one or more specialty treatment court programs, such as a Juvenile Drug Court or a Juvenile Mental Health Court as authorized by the State Supreme Court. A child having substance abuse or mental health issues who is charged with an offense which places him under the jurisdiction of the family court may be referred to a voluntary specialty treatment court program. Upon his successful completion of such program, the child will have his court proceedings dismissed and his record for the applicable charges expunged at no cost.

**Section 36.** This section of the bill expands the criteria for referring a child to DJJ for suitable placement and for committing a child to DJJ custody and bases the length of stay on the nature of the child's offense(s). Only under certain circumstances can the court order an evaluation of a child eligible for commitment to DJJ. The bill also enables a child in the custody of DJJ to stay in his home for a residential evaluation or in his home community for a community evaluation

unless he is a flight or safety risk, but he may be committed if he fails to cooperate with or successfully complete an evaluation. The provision whereby a child may be committed to the custody of DJJ or to a secure DJJ evaluation center for not more than 90 days for status offense (excluding truancy), contempt of court for an order to attend school, or a violation of the conditions of probation for a status offense has been deleted.

**Section 37.** This section of the bill enables the family court to order an evaluation of a child for a determination of serious mental illness or intellectual disability upon the motion of any party or upon the recommendation of DJJ. The family court must hold a hearing upon receiving the results of the evaluation to determine if the child should be committed to the supervision of the Department of Mental Health or the Department of Disabilities and Special Needs.

**Section 38.** This section of the bill provides that the court must annually review and subsequently close any case remaining open for 12 months after the date of disposition unless the evidence that continuation of services and court involvement are necessary for the rehabilitation of the child or to protect the public interest. A child, the solicitor, or DJJ may ask the court to review any case for a child who remains in DJJ custody more than six months after an order of commitment without having been released on parole or having been returned to DJJ custody following revocation of parole. Children remaining in the custody of DJJ are entitled to the assistance of counsel.

**Section 39.** This section of the bill modifies references to the term juveniles to children and provides that DJJ determine the release and revocation of all children committed to DJJ custody who are adjudicated delinquent for specific misdemeanor offenses.

**Section 40.** This section of the bill specifies that the releasing entity of a child in the custody of DJJ must ensure that length of stay guidelines are based on evidence-based practices and consider certain factors in the determination of projected and actual release dates.

**Section 41.** This section of the bill provides that DJJ must serve a child who is alleged to have committed a technical violation of the conditions of his probation or parole term notice of administrative sanctions. Additional conditions of the administrative sanctions are considered to be part of the original probation or parole order. DJJ must determine the criteria to include in a policy for administering community-based administrative sanctions for the most common types of supervision violations. The sanctions must consider specific factors, and DJJ must ascertain the availability of community-based programs and treatment options.

**Section 42.** This section of the bill adds the administrative departments of an institution of higher learning (IHL) at which a child is enrolled, intends to be enrolled, or was last enrolled to be notified by DJJ upon the final disposition of the child's case when it involves specific violent crimes or those involving the use of a weapon. Colleges and universities are now charged with ensuring the confidentiality of a child's offense history, as well as destruction of those records upon the child's graduation or withdrawal from the school.

Article 1, Chapter 19, Title 63 defines a child as a person less than eighteen years of age. Therefore, it is our interpretation that this bill applies to students who are under the age of

eighteen. In addition, it is our understanding that law enforcement will notify an IHL of the disposition of a case only if the student is enrolled in the institution and the student is under the age of eighteen at the time of the case is disposed.

**Section 43.** This section of the bill requires law enforcement to make incident reports to IHLs when an enrolled child is charged with specific violent offenses, or those involving the use of weapons or the distribution/trafficking of drugs. As stated above, it is our interpretation that this bill applies only to students under the age of eighteen. In addition, it is our understanding that this will only impact IHLs if the student is under the age of eighteen and enrolled in the institution at the time the student is charged.

**Section 44.** This section of the bill provides that once a person turns eighteen, all official records his being taken into custody, charges filed, adjudication of the case, and disposition for committing a status offense must be expunged subject to certain eligibility requirements. The expungement must occur after notice or written request by the child, after a regular quarterly system-wide check, or upon the child's eighteenth birthday, whichever is earliest.

**Section 45.** This section of the bill establishes that a person who is qualified to petition for record destruction may not be charged fees to do so.

**Section 46.** This section of the bill defines a student who has experienced a disruption in the student's education as a child who has experienced homelessness; has been adjudicated as a victim of child abuse or neglect, adjudicated as having committed a status offense, or adjudicated as having committed an act that if committed by an adult would be a crime; or has been placed in a mental health treatment facility or a program for developmental disabilities. Students who have experienced a disruption in their education and who transfer from one school to another have specific rights, privileges, and accommodations that must be met by the school.

**Section 47.** This section of the bill defines a student involved in the juvenile justice system as a person who has been referred to DJJ or the family court due to the commission of a delinquent or status offense wherein conditions have been imposed, is participating in a diversion program, is under a probation order, is currently supervised by DJJ, or is on supervised release or parole. It also requires that each school, charter school, and DJJ to assign a point of contact for students involved in the juvenile justice system and establishes the responsibilities of the point of contact.

**Section 48.** This section of the bill requires school administrators to contact law enforcement authorities upon notice that a person has been engaged in activities on school property or at school-sanctioned activities that would constitute a felony crime punishable by a maximum sentence of five years if committed by an adult.

**Section 49.** This section of the bill expands the reasons for which a student may be expelled, suspended, or transferred to include crimes which if committed by an adult would be a felony or a crime punishable by a maximum term of imprisonment for five years or more, violations related to threats of violence to a school or a person at the school, and acts for which a victim attending the school fears for his safety. For incidents that occurred off school grounds or outside of school-sanctioned events, the district may take no action against the student unless

moderate or great bodily injury occurred. In no case will a student be expelled, suspended, or transferred for the unlawful purchase of a lottery ticket.

**Section 50.** This section of the bill establishes requirements for regular school districts with regard to students leaving a DJJ school district.

**Section 51.** This section of the bill repeals the statute that makes it unlawful for a person under the age of eighteen to loiter or play in a billiard room unless the person's parent or guardian is present, and it repeals the statute making it unlawful for a person under the age of eighteen to play a pinball machine.

**Section 52.** This section of the bill finds that all provisions contained in this act relate to juvenile justice reform measures recommended by the Senate Select Committee on Raise the Age.

**Section 53.** This section of the bill provides that the repeal or amendment of any law by this act does not affect pending actions, and does not alter any penalty or liability incurred under the repealed or amended law unless expressly provided.

**Section 54.** This act becomes effective upon approval by the Governor.

**Department of Juvenile Justice.** The bill makes significant changes to sentencing and procedures for juveniles, which is expected to impact expenditures for the agency. The impact of these changes is pending, contingent upon a response from the agency.

**Judicial Department.** This bill creates the "South Carolina Juvenile Justice Reform Act of 2020," which, among other things, ensures children who are considered for, referred to, or incarcerated by the state's juvenile justice system are afforded additional protections and rights.

Elements of the bill which may result in a reduction in the number of cases heard by the family court include:

- the establishment of a juvenile offender civil citation program, pre-detention intervention programs, Juvenile Drug Courts, and Juvenile Mental Health Courts;
- the requirement that juveniles who have committed certain status offenses must be referred to a diversion program;
- the establishment of certain other limits on juvenile referrals;
- the requirement that minor offenses committed by a child in the custody of the Department of Juvenile Justice should, when feasible, be resolved in an administrative manner;
- the establishment of time limits for probation;
- the elimination of general sessions court waivers for fourteen and fifteen year olds for certain offenses; and
- the declaration that the family court's determination as to transfer to general sessions court is a final order, which may be appealed directly to the Supreme Court and must be heard within 120 days.

Elements of the bill which may result in an increase in the number of cases heard by the family court and could potentially create a backlog include:

- the establishment of new factors and procedures for a juvenile being added to and later removed from the Juvenile Sex Offender Registry;
- the option to allow electronic monitoring of juveniles;
- the requirement that law enforcement arrange for a child to consult with legal counsel before any custodial interrogation and the requirement that the court consider this factor for determining admissibility;
- the addition of a procedure for an ex parte order from the family court for releasing a juvenile from custody when an officer does not consent;
- the requirement that child over sixteen who is still in custody must have a hearing before a magistrate within 24 hours; and
- the addition of both factors to consider and limits on pretrial detention.

Elements of the bill which will have an unknown impact on the family courts include:

- the creation of the new offense of student threats; and
- the ability of the family court to order that a proceeding be adjourned in contemplation of dismissal.

As the bill creates new programs, creates new offenses, and establishes new requirements that affect the family courts, there is no data with which to estimate the impact on family court caseloads. Therefore, the extent of any expenditure impact or cost savings that may result from enactment of the bill is undetermined.

**Attorney General.** The expenditure impact of this bill is pending, contingent upon a response from the agency.

**Commission on Prosecution Coordination.** The commission reports that this bill will have a significant but undetermined impact on expenditures for the agency. The bill involves the development and implementation of an entirely new program in most counties and circuits, makes significant changes to sentencing and petitions, and changes subsequent fees charged.

**Commission on Indigent Defense.** The agency estimates that Sections 28, 29, and 30 will require the addition of sixteen new educational attorneys and sixteen new social workers, with one attorney and one social worker assigned to each of the sixteen Circuit Public Defenders Offices, resulting in a cost of \$2,467,400 annually. These positions will handle the new DJJ truancy and other placement cases that are brought about each year. Section 38, dealing with the issue of post disposition review hearings, would cost \$270,000 annually for four contract attorneys, one to cover the Upstate counties, two to cover the Midlands counties and one to cover the Low Country counties. The total increase in recurring expenditures is estimated to be \$2,737,400.

House Bill Sections	Resources	Per Case Costs	Total Costs (Recurring and Non-Recurring)
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Bill Sections 28, 29, 30	16 educational attorneys (1 per judicial circuit)	\$79,200 per attorney (salary and fringe)	\$1,264,200 annual recurring cost
Bill Sections 28, 29, 30	16 social workers (1 per judicial circuit)	\$75,200 per social worker (salary and fringe)	\$1,203,200 annual recurring cost
Bill Section 38	4 new contract attorneys (1 for cases in the Upstate, 2 for cases in the Midlands, and 1 for cases in the Low Country)	Estimated cases to be around 300 per year at a cost of \$900 per case with a maximum caseload per attorney of 75 cases	Estimated annual recurring cost of \$270,000
<b>Total Recurring Cost</b>			<b>\$2,737,400</b>

**Department of Education.** The State Department of Education surveyed the regular school districts regarding the expenditure impact of this bill and received responses from twenty-one school districts. Seventeen of the responding districts indicate that the bill will have no expenditure impact. Responses from the remaining four districts vary widely as far as training, policy development, reporting, and records retention needs go. Therefore, the expenditure impact of this bill on local school districts is undetermined and will depend upon the number of students impacted by a given school district.

**Commission on Higher Education and State Board for Technical and Comprehensive Education.** CHE surveyed the state’s public IHLs to determine the expenditure impact of this bill. In the fall of 2018, enrollees under the age of eighteen comprised one-half of one percent of all enrollment in the state’s public IHLs. Therefore, this bill will affect a very small population of the state’s public institutions. Several IHLs indicated that the additional expenditures for staff time and record storage could be absorbed by the institution. Therefore, the implementation of the bill is not expected to increase General Fund expenditures for IHLs.

**Department of Mental Health.** Relating to Section 37, the family court may, on its own behalf, order an evaluation for a determination of serious mental illness or intellectual disability. The department does not anticipate this provision will change the number of children diverted to the agency. Therefore, the bill will have no expenditure impact on the agency.

**Department of Disabilities and Special Needs.** Relating to Section 37, the family court may, on its own behalf, order an evaluation for a determination of serious mental illness or intellectual disability. As this provision will not materially or financially alter the responsibilities of the department, the bill will have no expenditure impact.

**Department of Public Safety.** To comply with the requirements of the bill regarding the development of community-based services for children, the department will need to hire a program coordinator, resulting in a recurring General Fund expenditure impact of \$85,184. The department will also incur \$2,200 in nonrecurring General Funds for computer equipment.

**Department of Social Services.** Relating to Section 37, the department shall notify a school when a student enters foster care or when a student in foster care enrolls in another school. The

agency indicates that this provision will not directly affect its finances, thus the bill will have no expenditure impact.

**Department of Children’s Advocacy.** Sections 15 and 21 are expected to require additional expenditures for the agency. Section 15 establishes a Children’s Bill of Rights, which enables a child who believes his rights have been violated to redress his grievance through the Department of Children’s Advocacy. Section 21 prohibits children from being held in solitary confinement and establishes restrictions for when a child may be held in corrective room restriction. Each county, municipal, regional, and state institutional facility that detains or rehabilitates children is required to submit a monthly report attesting to the number of children who were subjected to corrective room restriction during that month and the length of time that child was in corrective room restriction to the Department of Children’s Advocacy. In any instance when a child is subjected to corrective room restriction for longer than seventy-two consecutive hours, the facility must report the reason(s) the child was not successfully returned to the general population. The department anticipates this monthly report will require identification of all facilities subject to this requirement and development of processes for providing information to the agency. The department also anticipates the need to create processes for receipt, review, investigation, data entry, reporting, and analysis.

To fulfill these duties, the department anticipates it will need to hire two Program Coordinator II FTEs at \$59,259 each, including both salary and fringe. Further, the department anticipates incurring operating costs of \$18,216 for rent, computers and IT, travel expenses, phones, and general office supplies and postage. This will result in recurring General Fund expenses of \$136,734 beginning in FY 2020-21. In addition, the department anticipates a nonrecurring General Fund expenditure increase of \$1,000 in FY 2020-21 for miscellaneous expenses from the initial office setup. This will result in a total General Fund expenditure increase of \$137,734 in FY 2020-21. These expenses are broken down as follows:

<b>Expenses to the Department of Children’s Advocacy from Enacting S. 1018</b>		
<b>Expenses</b>	<b>Nonrecurring Costs</b>	<b>Recurring Costs</b>
FTE Salaries with Fringe: Program Coordinator II (2)	-	\$118,518
Rent	-	\$8,327
Computers and IT	-	\$4,344
Travel	-	\$2,795
Phones	-	\$2,500
Office Supplies/Postage	-	\$250
Miscellaneous Expenses from Initial Office Setup	\$1,000	-
<b>Total</b>	<b>\$1,000</b>	<b>\$136,734</b>

These costs are in conjunction with the Department of Children’s Advocacy fulfilling the duties enumerated in Section 21.

**Department of Corrections.** The department reports that the implementation of this bill will have no expenditure impact on the General Fund, Other Funds, or Federal Funds due to the limited number of offenders.

The sections affected are as follows:

- Section 4 clarifies the offense description regarding threats of violence and adds a penalty statute. No offenders were admitted to the department for this type of offense in FY 2018-19.
- Section 5 relates to possessing weapons on school property with the intent to inflict serious bodily injury. Only one offender was admitted to the department for this type of offense in FY 2018-19.
- Section 33 relates to the transfer of jurisdiction from the family court for offenses committed by children to a court which would have trial jurisdiction of the offense if committed by an adult. In FY 2018-19, the department admitted eight offenders under the age of seventeen to adult courts.

**Department of Probation, Parole and Pardon Services.** This bill will have no expenditure impact on the Department of Probation, Parole and Pardon Services because the department will administer policies resulting from the bill with the use of existing staff and resources.

**Department of Natural Resources.** In Section 36 of the bill, Section 63-19-1440(B)(2)(a) permits a child to be committed to Department of Juvenile Justice custody if the child has a current adjudication for an offense that would be a misdemeanor if committed by an adult in instances when the offense involved the use of a firearm. DNR anticipates this may result in juveniles that commit a minor hunting violation with a firearm being committed to Department of Juvenile Justice custody. The department anticipates this would result in an expenditure increase, as the bill would generate additional officer time for compliance. Conservation officers are paid at an hourly rate of \$21.66. While 15- to 18-year-olds are required to have hunter education and a hunting license, juveniles under the age of 15 are not. As there is no data available for the total number of hunters under the age of 18, the number of children that may be committed to Department of Juvenile Justice custody for minor hunting violations and the additional compliance officer hours this would generate is undetermined.

**Department of Motor Vehicles.** In Section 12 of the bill, the family court is required to report to the department all adjudications of a child for violations that affect the child's privilege to operate a motor vehicle. The agency reports that it does not perform special citation processing based on age. Therefore, increasing the age of concurrent jurisdiction will have no fiscal impact.

### **State Revenue**

The bill is expected to have an undetermined impact on Other Funds fine and fee revenue due to changes hearings and procedures for prosecution of juveniles. The overall impact is undetermined as data are unavailable to estimate the changes.

### **Local Expenditure**

Of the counties and municipal organizations surveyed, Charleston and Lancaster Counties provided responses on the expected expenditure impact of the bill. All parties report the bill is expected to have no expenditure impact on county or municipal governments. However, due to the lack of response from all the surveyed localities, the expenditure impact of this bill on local government is undetermined.

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director