



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.

Bill Number: S. 0001 Introduced on January 10, 2023
Author: Alexander
Subject: Fentanyl Induced Homicide
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: January 31, 2023

Fiscal Impact Summary

This bill establishes that a person who unlawfully delivers, dispenses, or otherwise provides fentanyl to a person who dies after injection, inhalation, absorption, or ingestion of any amount of the substance has committed the felony offense of fentanyl-induced homicide. This felony carries a penalty of not more than thirty years.

Judicial, the Commission on Prosecution Coordination, and the Commission on Indigent Defense report there will be no expenditure impact from the bill, as existing General Fund appropriations will be used to manage any increase in caseloads.

This bill may result in an increase in the number of inmates housed by the Department of Corrections. However, no data are available to estimate the increase in the number of inmates that may be housed by Corrections. According to Corrections, in FY 2021-22, the annual total cost per inmate was \$32,247, \$30,044 of which was state funded, and the marginal cost per inmate was \$4,836.28, \$4,829.76 of which was state funded. However, as the potential increase in incarcerations is unknown, any expenditure impact for Corrections is undetermined.

As this bill creates a new offense, it may increase General Fund and Other Funds and local fine revenue. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill establishes that fentanyl-induced homicide is a felony offense against the person who unlawfully delivers, dispenses, or otherwise provides fentanyl to a person who dies after injection, inhalation, absorption, or ingestion of any amount of the substance. This offense consists of the unlawful delivery, dispensation, or provision of fentanyl or a fentanyl-related substance to another person whose death is caused by his injection, inhalation, absorption, or ingestion of such substance and is punishable by imprisonment for not more than thirty years. The bill also provides that a defense may not be established due to a decedent contributing to his own death by his purposeful, knowing, reckless, or negligent consumption of the controlled

substance or by his consenting to the administration of the controlled substance by another person.

Judicial. This establishment of fentanyl-induced homicide may increase the number of cases brought in court. However, Judicial expects to manage any increase in caseloads within current resources. Therefore, this bill will have no expenditure impact for Judicial.

Commission on Prosecution Coordination. This bill creates a new offense, which could result in an increase in the number of warrants that are sent to the Offices of Circuit Solicitor for review, prosecution, and disposition; however, the potential increase in warrants is unknown. The implementation of this bill will have no expenditure impact as the commission expects to manage any increase in caseloads within current resources.

Commission on Indigent Defense. The implementation of this bill will have no expenditure impact for Indigent Defense, as the commission expects to manage any increase in caseloads within current resources.

Department of Corrections. This bill may result in an increase in the number of inmates housed by the Department of Corrections. However, no data are available to estimate the increase in the number of inmates that may be housed by Corrections. According to Corrections, in FY 2021-22, the annual total cost per inmate was \$32,247, \$30,044 of which was state funded, and the marginal cost per inmate was \$4,836.28, \$4,829.76 of which was state funded. However, as the potential increase in incarcerations is unknown, any expenditure impact for Corrections is undetermined.

State Revenue

This bill has the potential to increase General Fund revenue from fines, as well as Other Funds revenue of Judicial and other applicable agencies who receive a distribution from fine revenue for such an offense, due to the increased fine for offenders convicted in general sessions courts. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.

Local Expenditure

N/A

Local Revenue

This bill has the potential to increase local revenue from fines due to the increased fine for offenders convicted in general sessions courts. However, as the number of such offenses that might occur in a given year is unknown, the revenue impact is undetermined.



Frank A. Rainwater, Executive Director