



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. 0877 Introduced on January 9, 2024
Author: Senn
Subject: Child Luring
Requestor: Senate Judiciary
RFA Analyst(s): Gardner
Impact Date: February 1, 2024

Fiscal Impact Summary

This bill creates two new offenses within the Children's Code to provide that it is unlawful to lure, entice, or attempt to lure or entice a child into a conveyance, dwelling, or structure without the consent of the child's parent or legal guardian. The bill also establishes penalty schedules for the two new offenses.

Judicial reports that implementation of the bill may result in an increase in general sessions court caseloads, which can be managed using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for Judicial. Also, the Commission on Indigent Defense anticipates being able to manage an increase in workload with existing staff and within existing appropriations. However, if this bill results in a significant increase in the workload, the agency will request an increase in General Fund appropriations.

The Commission on Prosecution Coordination reports this bill requires the Commission to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the agency.

This bill may result in an increase in the number of inmates housed by the Department of Corrections. No data are available to estimate the increase in the number of inmates that may be housed by Corrections. According to Corrections, in FY 2022-23, the annual total cost per inmate was \$37,758, of which \$34,570 was state funded. If this bill results in a substantial increase in incarcerations, Corrections will request an increase in General Fund Appropriations.

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

Explanation of Fiscal Impact

Introduced on January 9, 2024

State Expenditure

This bill makes it unlawful for a person aged eighteen or older to lure, entice, or attempt to lure or entice a child aged thirteen or older into a conveyance, dwelling, or structure without the

express or implied consent of the child’s parent or legal guardian. This misdemeanor offense is punishable as follows:

PENALTY SCHEDULE FOR NEW MISDEMEANOR OFFENSE, SECTION 63-5-90(B)(1)	
1st Offense	Fine of ≤\$500 or imprisonment for ≤1 year
2nd or Subsequent Offense	Fine of ≤\$1,000 or imprisonment for ≤3 years, or both

The bill also makes it unlawful for a person aged eighteen or older to lure, entice, or attempt to lure or entice a child under the age of thirteen into a conveyance, dwelling, or structure without the express or implied consent of the child’s parent or legal guardian. This felony offense is punishable as follows:

PENALTY SCHEDULE FOR NEW FELONY OFFENSE, SECTION 63-5-90(B)(2)	
1st Offense	Fine of ≤\$5,000 or imprisonment for ≤5 years
2nd or Subsequent Offense	Fine of ≤\$10,000 or imprisonment for ≤10 years, or both

The bill provides that mistake of age is not a defense to prosecution unless the person committing the act reasonably believed the action was necessary to prevent injury to the child, he did so for a lawful purpose, or his actions were otherwise reasonable whereby he had no intent to harm the health, safety, or welfare of the child. The penalties prescribed in the bill are to be applied in addition to other penalties for kidnapping or any other offense. The offenses created by the bill are not considered lesser offenses of kidnapping of any other offense.

Judicial. Judicial reports that implementation of the bill may result in an increase in general sessions court caseloads, which can be managed using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for Judicial.

Commission on Prosecution Coordination. This bill creates two new offenses within the Children’s Code to provide that it is unlawful to lure, entice, or attempt to lure or entice a child into a conveyance, dwelling, or structure without the consent of the child’s parent or legal guardian. The bill also establishes penalty schedules for the two new offenses. This bill requires the Commission to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the agency.

Commission on Indigent Defense. This bill creates two new offenses within the Children’s Code to provide that it is unlawful to lure, entice, or attempt to lure or entice a child into a conveyance, dwelling, or structure without the consent of the child’s parent or legal guardian. The bill also establishes penalty schedules for the two new offenses. The implementation of this bill will have no expenditure impact, as the Commission expects to manage any increase in caseloads within current resources. However, if this bill results in a significant increase in the workload, the agency will request an increase in General Fund appropriations.

Department of Corrections. This bill may result in an increase in the number of inmates housed by the Department of Corrections. No data are available to estimate the increase in the

number of inmates that may be housed by Corrections. According to Corrections, in FY 2022-23, the annual total cost per inmate was \$37,758, of which \$34,570 was state funded. If this bill results in a substantial increase in incarcerations, Corrections will request an increase in General Fund Appropriations.

State Revenue

This bill may increase General Fund revenue from fines, as well as Other Funds revenue, due to the increase in fines and fees for the new offenses brought 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 may increase local revenue due to the increase in fines and fees for the new offenses brought 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