

South Carolina Board of Economic Advisors

Statement of Estimated State Revenue Impact

Date: March 2, 2010 (Update of RIS dated 02/03/09 as applied to subsequent fiscal year)

Bill Number: S. B. 314

Author: Fair

Committee Requesting Impact: Senate Judiciary

Bill Summary

A bill to amend Chapter 1, Title 14 of the 1976 Code, relating to misdemeanor traffic offenses and nontraffic violations, by adding Section [14-1-240](#), to impose an additional five dollar surcharge on all fines, forfeitures, escheatments, or other monetary penalties for misdemeanor traffic offenses or for nontraffic violations, and to provide that the surcharge shall be used to fund training at the South Carolina Criminal Justice Academy (SCCJA).

REVENUE IMPACT ^{1/}

Enactment of this bill in concert with retention of the temporary proviso in the State Budget is expected to raise SCCJA earmarked funds by an additional \$4,125,000 in FY 2010-11. Enactment of this bill in concert with deletion of the temporary proviso in the budget would have no net impact on SCCJA earmarked funds in FY 2010-11. The bill would have no impact on state General Fund revenue under either scenario.

Explanation

This bill assesses an additional \$5 surcharge in this State on judgments for misdemeanor traffic offenses or nontraffic violations in general sessions, magistrates or municipal courts. Part 1B Proviso 90.7 of Act 23 of 2009 also assesses an additional \$5 surcharge. That temporary provision is included in Part 1 B Proviso 90.5 in the General Appropriations Act for FY 2010-11 (H.4657), as adopted by the House Ways and Means Committee. If the proviso is not deleted prior to enactment of the Appropriation Act, both surcharges would apply. No portion of the surcharge may be waived, reduced, or suspended. All proceeds are to be credited to the S. C. Criminal Justice Academy (SCCJA) to fund training.

If temporary Proviso 90.5 is subsequently deleted prior to passage of H.4657, and provisions in this bill become permanent law, then adoption of this bill would have no net impact on revenue allocations of the current additional \$5 surcharge to be allocated to the SCCJA through FY 2010-11 and thereafter. However, if this bill is enacted and temporary Proviso 90.5 is not deleted from H.4657 prior to its enactment, then this bill is expected to raise SCCJA earmarked funds by an additional \$4,125,000 in FY 2010-11, based on 825,000 such additional surcharges at \$5 each. That amount is over and above an estimated base yield of \$4,125,000 attributable to retention of the \$5 additional surcharge in FY 2010-11 under temporary Part 1B Proviso 90.5. Since no revenue from this surcharge goes to the state's General Fund under either scenario, adoption of the bill would have no impact on General Fund revenue on into FY 2010-11 and thereafter.

/s/ William C. Gillespie

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^{1/} This statement meets revenue impact requirements of Section 2-7-71 for a state impact by BEA, Section 2-7-76 for a local impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by Office of Economic Research (OER).