



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: H. 4642 Introduced on January 9, 2024
Author: Mitchell
Subject: Military Code and Code of Military Justice Revisions
Requestor: House Judiciary
RFA Analyst(s): Gardner
Impact Date: January 29, 2024

Fiscal Impact Summary

This bill makes changes to the state military code to provide that nonjudicial punishment methods ordered by a commanding officer against an accused may not include forfeiture in pay and must consist of payment of a fine. In addition, it removes forfeiture of pay as punishment for general court-martials or special court-martials and increases the amount of time that the accused may be confined for these judgements. Further, it reduces the term of imprisonment for summary court-martials and reduces the associated fine, and it establishes punishments for a summary court-martial by a panel of three officers.

The bill requires the Office of the Adjutant General to perform activities that will be conducted in the normal course of agency business. Therefore, the bill does not have an expenditure impact on the agency.

The Revenue and Fiscal Affairs Office (RFA) contacted all forty-six counties and the Municipal Association of South Carolina (MASC) and received a response from the MASC. The MASC indicates that the bill will have no expenditure impact on municipal governments. Although RFA received no responses from county governments, we do not anticipate that the bill will have an expenditure impact on county governments. We will update this impact statement if county governments provide a different response.

Explanation of Fiscal Impact

Introduced on January 9, 2024

State Expenditure

This bill amends the state military code to, among other things, eliminate from nonjudicial punishment methods ordered by a commanding officer against an accused the requirement that the accused's pay be forfeited. Currently, forfeiture of pay or assessment of a fine are interchangeable punishment options. These changes are summarized on the following page:

IMPOSITION OF PUNISHMENTS BY A COMMANDER

<i>Accused Member of State Military Forces</i>	<i>Current Options</i>	<i>Revised Options</i>
Officers of his command, if punishment imposed by Governor, Adjutant General, or officer of general rank in command	Forfeiture of pay of ≤7 days' pay or a fine ≤ equivalent of 7 days' pay	Fine ≤ equivalent of 7 days' pay
Other military personnel of his command	Forfeiture of pay of ≤2 days' pay or a fine ≤ equivalent of 2 days' pay	Fine ≤ equivalent of 2 days' pay
Other military personnel of his command, if punishment imposed by officer of grade of major or above	Forfeiture of pay of ≤4 days' pay or a fine ≤ equivalent of 4 days' pay	Fine ≤ equivalent of 4 days' pay

The bill also increases the general court-martial punishment for confinement from not more than twelve months to not more than ten years and removes the forfeiture of pay as a general court-martial punishment. In addition, it increases the special court-martial punishment for confinement from not more than six months to not more than five years and removes the forfeiture of pay as a special court-martial punishment. For summary court-martials, the bill removes the exception for officers; reduces the punishment option of a fine from not more than ten days' pay to not more than five days' pay; and reduces the punishment option of imprisonment from a term of not more than thirty days to not more than fifteen days. The bill also enables the accused to select trial by panel summary court-martial. Further, the bill establishes the punishments for summary court-martial by a panel of three officers to include pay grade reduction, a fine of not more than ten days' pay, imprisonment not to exceed thirty days, or any combination thereof.

This bill also provides that records of a general court-martial must contain matters as may be prescribed by regulations of the Adjutant General, which may also be used as exceptions to special or general court-martial sentencing of an enlisted member in a pay grade above E-2 (rank of Private).

Office of the Adjutant General. The bill requires the Office of the Adjutant General's to perform activities that will be conducted in the normal course of agency business. Therefore, the bill does not have an expenditure impact on the agency.

State Revenue

N/A

Local Expenditure and Local Revenue

RFA contacted all forty-six counties and MASC and received a response from the MASC. The MASC indicates that the bill will have no expenditure impact on municipal governments. Although RFA received no responses from county governments, we do not anticipate that the bill will have an expenditure impact on county governments. We will update this impact statement if county governments provide a different response.

Frank A. Rainwater, Executive Director