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Law Enforcement and Criminal Subcommittee

Wednesday, June 8, 2022

10:30 a.m.

Blatt Room 321

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.7, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Law Enforcement and Criminal Justice Subcommittee meeting was called to order by Chair Chris Wooten on Wednesday, June 8, 2022, in Room 321 of the Blatt Building. The following members were present for all or a portion of the meeting: Representative Kimberly O. Johnson and Representative Josiah Magnuson.

Approval of Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings.
- II. Representative Magnuson makes a motion to approve the meeting minutes from the June 1, 2022, meeting. A roll call vote was held, and the motion passed.

Rep. Magnuson's motion to approve the meeting minutes.	Yea	Nay	Not Voting
Rep. K. Johnson	✓		
Rep. McCravy			✓ (NP)
Rep. Magnuson	✓		
Rep. Wooten	✓		

Administration of Oath

- I. Chair Wooten reminds all others placed under oath at prior meetings that they remain under oath.
- II. Chair Wooten places the following agency personnel under oath:
 - a. Don Zelenka, Deputy Attorney General (Criminal Division);
 - b. William Blich, Senior Assistant Deputy Attorney General (Criminal Appeals);
 - c. Melody Brown, Senior Assistant Deputy Attorney General (Capital Litigation);
 - d. Deborah Shupe, Senior Assistant Deputy Attorney General (Sexual Violent Predator); and
 - e. Creighton Waters, Senior Assistant Deputy Attorney General (State Grand Jury).

Discussion of Attorney General's Office

- I. Deputy Attorney General Barry Bernstein made brief remarks, including responses to member questions from the previous meeting about Crime Victim Compensation; Opinions; and Tobacco Sections.
- II. Senior Assistant Deputy Attorney General William Blich provided an overview of the Criminal Appeals Section.

- III. Senior Assistant Deputy Attorney General Melody Brown provided an overview of the Capital and Collateral Litigation Section.
- IV. Senior Assistant Deputy Attorney General Debra Shupe provided an overview of the Sexually Violent Predator Section.
- V. Deputy Attorney General Barry Bernstein and Senior Assistant Deputy Attorney General Creighton Waters provided an overview of the State Grand Jury Prosecution Section and Clerk of Court Section.
- VI. Subcommittee members ask questions relating to the following:
 - a. Post conviction relief;
 - b. Manslaughter appeals;
 - c. Examples of appeals filed for clarification of a point of law;
 - d. Defense at appellate level;
 - e. DNA testing;
 - f. Oral arguments;
 - g. Anders briefs;
 - h. Training;
 - i. Law recommendations;
 - j. Federal habeas corpus;
 - k. Factors that support a just result under state and federal law;
 - l. Definition of justice;
 - m. Pending appellate caseloads;
 - n. Agency acronyms;
 - o. Briefing lag trends;
 - p. Sexually violent treatment section;
 - q. Mental health support systems for the Attorney General's Office employees;
 - r. Offenses subject to sexually violent treatment section;
 - s. Sharing of records;
 - t. Standard of review by Multidisciplinary Team;
 - u. Staffing of Multidisciplinary Team;
 - v. Scheduling of cases;
 - w. Disqualifications for state grand jury;
 - x. Civil forfeiture;
 - y. Factors that determine appropriate pace for state grand jury;
 - z. Fentanyl trafficking; and
 - aa. DHEC support for law change recommendation affecting environmental cases.

Agency personnel respond to the questions.

Adjournment

- I. There being no further business, the meeting is adjourned.