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### **South Carolina House of Representatives**

*Jennifer L. Dobson  
Research Director*

*Cathy A. Greer  
Administration Coordinator*

**Post Office Box 11867  
Columbia, South Carolina 29211  
Telephone: (803) 212-6810 • Fax: (803) 212-6811  
Room 228 Blatt Building**

*Charles L. Appleby IV  
Legal Counsel*

*Carmen J. McCutcheon Simon  
Research Analyst/Auditor*

*Kendra H. Wilkerson  
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### **Law Enforcement and Criminal Justice Subcommittee**

**Monday, June 18, 2018  
11:00 am  
Blatt Room 511**

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, 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 Subcommittee Chairman Edward R. Tallon, Sr., on Monday, June 18, 2018, in Room 511 of the Blatt Building. All members of the Subcommittee, except Representative Katie Arrington, were present for either all or a portion of the meeting.

## 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. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Hixon makes a motion to approve the meeting minutes from the prior Subcommittee meeting.

Rep. Hixon's motion to approve the minutes from the May 1, 2018, meeting:	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

### Discussion of the Commission on Prosecution Coordination

- I. Chairman Tallon explains the purpose of the meeting today is for agency representatives to provide an overview of the agency as a whole, and details about services and products the agency provides; the agency's strategic plan, resource allocation, and associated performance measures; other performance measures tracked by the agency; and agency recommendations for internal and law changes.
- II. Chairman Tallon swears in the following individuals from the agency:
  - a. Solicitor Isaac McDuffie (Duffie) Stone, III, Chair of the Commission;
  - b. Ms. Amie L. Clifford, Education Coordinator/Senior Staff Attorney;
  - c. Ms. Tina Thompson, Administrative Assistant;
  - d. Mr. N. Mark Rapoport, Staff Attorney; and
  - e. Mr. W. Mattison Gamble, Traffic Safety Resource Prosecution Attorney.
- III. Solicitor Stone, Chair of the Commission, provides remarks. Members ask questions, which Solicitor Stone answers, related to the following topics:
  - a. Caseloads, including how the term "case" is defined, and items which impact the number of cases;
  - b. S.C. Solicitor's Association and other limited liability companies or non-profits operating in individual judicial circuits;
  - c. Findings of General Assembly when the agency was created, including:

- i. Tracking and decreasing backlogs of cases; and
    - ii. Examples of uniformity in prosecution created by the agency;
  - d. Legal directives including:
    - i. Solicitors determining the trial docket and recent S.C. Supreme Court decision in State v. Langford which held the statute is unconstitutional; and
    - ii. Solicitors annually conducting an examination of the offices of the clerk of the court, sheriff, and register of deeds to determine if those officers are performing their duties under the law (S.C. Code Ann. Section 1-7-730);
  - e. Issues around law enforcement entities' production of evidence to solicitors' offices; and
  - f. Law enforcement officers prosecuting driving under the influence cases in magistrate courts.

IV. Ms. Clifford provides information about the following:

- a. Agency's creation, mission, and vision;
- b. Agency's governing body;
- c. Agency staff;
- d. Duties of the agency;
- e. Details about the following duties:
  - i. Coordination of administrative functions of the solicitors' offices;
  - ii. Administrative functions of the agency; and
  - iii. Continuing education.

Members ask questions related to the topics, which Ms. Clifford answers.

- V. Subcommittee members make various motions during the meeting, which are listed on the next page. A roll call vote is held for these motions, and, among the members present, the motions pass unanimously.

Rep. Johnson's motion that the Subcommittee Study include a recommendation that the General Assembly revise S.C. Code Ann. Section 1-7-330 in light of the S.C. Supreme Court ruling in State v. Langford:	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

Rep. Johnson's motion that the Subcommittee Study include a recommendation that the General Assembly revise S.C. Code Ann. Section 1-7-990 to give the commission statutory authority to create an enforcement mechanism to ensure compliance with the policies and procedures it promulgates in regulations:	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

Rep. Johnson's motion that the Subcommittee Study include a recommendation that the General Assembly consider eliminating S.C. Code Ann. Section 1-7-730 or revise it to include an enforcement mechanism to require compliance with the statute:	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

VI. There being no further business, the meeting is adjourned.