~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

MINORITY UNFAVORABLE

April 24, 2013

**S. 495**

Introduced by Senators Lourie and Rankin

S. Printed 4/24/13--S.

Read the first time March 7, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 495) to amend Section 23‑3‑115, as amended, Code of Laws of South Carolina, 1976, relating to fees for criminal record searches, so as to clarify, etc., respectfully

**REPORT:**

Has polled the Bill out majority favorable, minority unfavorable.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

A Cost of Federal and/or Other Funds (See Below)

**EXPLANATION OF IMPACT:**

State Law Enforcement Division

SLED indicates that this bill will have no fiscal impact on the General Fund of the State, nor on federal and/or other Funds.

Department of Parks, Recreation and Tourism

The department reports that this bill would have no impact on the state general fund or on federal funds. The bill would reduce the amount that the agency now pays for criminal record checks on volunteers at state parks. The department estimates that the agency would save about $500 and the savings would be directed toward the operation of the parks system.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 23‑3‑115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO CLARIFY THE DEFINITION OF CHARITABLE ORGANIZATIONS WHICH PAY A REDUCED FEE TO INCLUDE LOCAL PARK AND RECREATION VOLUNTEERS THROUGH A COMMISSION, MUNICIPALITY, COUNTY, OR THE SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION AND TOURISM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 23‑3‑115(B) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(B) The fee allowed in subsection (A) is fixed at eight dollars if the criminal record search is conducted for a charitable organization, a bona fide mentor, or for the use of a charitable organization. An organization that is authorized to receive the reduced fee shall not charge the volunteer, mentor, member, or employee more than eight dollars or any additional fee that is not required by the State Law Enforcement Division. All criminal record searches conducted pursuant to this subsection must be for a volunteer, mentor, member, or employee performing in an official capacity of the organization and must not be resold. The division shall develop forms on which a mentor or charitable organization shall certify that the criminal record search is conducted for the use and benefit of the charitable organization or mentor. For purposes of this subsection, the phrase ‘charitable organization’ means:

(1) an organization which has been determined to be exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended;

(2) a bona fide church, including an institution such as a synagogue or mosque;

(3) an organization which has filed a statement of registration or exemption under the Solicitation of Charitable Funds Act, Chapter 56, Title 33; or

(4) local parks and recreation volunteers through a commission ~~volunteers~~, municipality, county, or the South Carolina Department of Parks, Recreation and Tourism.”

SECTION 2. This act takes effect upon approval by the Governor.

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