**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4836**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Morgan

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Introduced in the House on January 20, 2022

Currently residing in the House Committee on **Judiciary**

Summary: Dept of Public Safety

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/20/2022 House Introduced and read first time ([House Journal‑page 31](file:///h:\hj\20220120.docx))

1/20/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 31](file:///h:\hj\20220120.docx))

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**VERSIONS OF THIS BILL**

[1/20/2022](file:///p:\pprever\2021-22\4836_20220120.docx)

**A** **BILL**

TO AMEND SECTION 23‑6‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES AND POWERS OF THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO PROVIDE THE DEPARTMENT HAS THE DUTY AND POWER TO OPERATE COMPREHENSIVE LAW ENFORCEMENT PERSONNEL TRAINING PROGRAMS FOR ITS LAW ENFORCEMENT OFFICERS; TO AMEND SECTION 23‑6‑50, RELATING TO THE DEPARTMENT OF PUBLIC SAFETY’S ANNUAL AUDIT AND CERTAIN FEES AND REVENUES COLLECTED BY THE DEPARTMENTS OF MOTOR VEHICLES AND PUBLIC SAFETY, SO AS TO DELETE THE PROVISION THAT REQUIRES THE AUDIT MUST BE COMPLETED BY A CERTAIN DATE, THE PROVISION THAT AUTHORIZES THE DEPARTMENT OF MOTOR VEHICLES TO CARRY FORWARD AND EXPEND CERTAIN MOTOR CARRIER REGISTRATION FEES, AND THE PROVISION THAT PROVIDES REVENUE RECEIVED FROM THE SALE OF THE DEPARTMENT OF PUBLIC SAFETY TRAINING SERIES SHALL BE RETAINED BY THE DEPARTMENT AND EXPENDED FOR CERTAIN PURPOSES, TO PROVIDE CERTAIN REVENUE RECEIVED BY THE DEPARTMENT OF PUBLIC SAFETY MAY BE EXPENDED FOR DRUG TESTING, AND TO PROVIDE THE DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO EXPEND RESTRICTED FUNDS IN THE FOLLOWING FISCAL YEAR FOR EXPENDITURES INCURRED IN THE PRIOR FISCAL YEAR; AND TO AMEND SECTION 23‑6‑187, RELATING TO WITNESS FEES THE DEPARTMENT OF PUBLIC SAFETY MAY CHARGE FOR CERTAIN TROOPERS TESTIFYING IN CIVIL MATTERS, SO AS TO INCREASE THE HOURLY AND DAILY FEES, AND TO PROVIDE THE FEES MAY BE ADJUSTED FOR INFLATION.

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

SECTION 1. Section 23‑6‑30(5) of the 1976 Code is amended to read:

“(5) operate a comprehensive law enforcement personnel training program for the department’s law enforcement officers;”

SECTION 2. Section 23‑6‑50 of the 1976 Code is amended to read:

“Section 23‑6‑50. The director shall annually cause the department to be audited. The audit must be conducted by a certified public accountant or firm of certified public accountants to be selected by the State Auditor. The department may undergo an Agreed Upon Procedures audit in lieu of audited financial statements. The audit shall be in coordination with the State Auditor’s Office and will be in accordance with generally accepted accounting principles and must comprise all financial records and controls. ~~The audit must be completed by November 1 following the close of the fiscal year.~~ The costs and expenses of the audit must be paid by the department out of its funds.

Notwithstanding any other provision of law, all revenue generated by the department from the sale of vehicles, various equipment, less the cost of disposition incurred by the Department of Administration Division of Operations, gasoline and insurance claims, during the prior fiscal year may be retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items. Any unexpended balance on June 30 of the prior fiscal year authorized to be expended or used for any federal grant program may be retained and carried forward to the current fiscal year and used for matching committed or unanticipated grant funds, or both. ~~The Department of Motor Vehicles is authorized to carry forward and expend all motor carrier registration fees collected pursuant to Chapter 23 of Title 58 for fiscal years 1996‑1997, 1997‑1998, 1998‑1999 into fiscal year 1999‑2000.~~

Notwithstanding any other provision of law, revenue received from the sale of publications, postal reimbursement, photo copying, electronic data from traffic collisions, sale of miscellaneous refuse and recyclable materials, insurance claim receipts, coin operated telephones, and revenue from building management services~~, and the Department of Public Safety training series~~ shall be retained by the department and expended in budgeted operations for professional training, fees and dues, clothing allowance, drug testing, and other related services or programs as the Director of the Department of Public Safety may deem necessary. In order to complete projects begun in a prior fiscal year, the department is authorized to expend federal, restricted, and earmarked funds in the following fiscal year for expenditures incurred in the prior fiscal year.”

SECTION 3. Section 23‑6‑187 of the 1976 Code is amended to read:

“Section 23‑6‑187. The department may charge a witness fee of one hundred ~~thirty~~ seventy‑five dollars per hour, up to one thousand two hundred dollars per day for each trooper trained in Advanced Accident Investigation testifying in civil matters which do not involve the State as a party in interest. The fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and deposited into a designated revenue account. The department is authorized to receive, expend, retain, and carry forward these funds. The amount the department charges as a witness fee may increase each year with inflation.”

SECTION 4. This act takes effect upon approval by the Governor.

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