

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2013-14**

SECTION 57 - B04-JUDICIAL DEPARTMENT

- 57.17 DELETE NEW PROVISO** (Cell-Phone Use in Court) **HOU:** ADD new proviso to direct the Judicial Department to produce an Administrative Order regarding possessing cell phones in court room while the court is in session. Direct that the findings may not prohibit practicing counsel from possessing and using a cell phone while in court if usage is not disruptive to court proceedings. Sponsor: Rep. Rutherford.
SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*57.17. (JUD: Cell Phone Use in Court) The Judicial Department shall use existing funds to produce an Administrative Order regarding the possession of cell phones in court rooms while court is being held. The findings may not prohibit practicing counsel from possession and use of a cell phone while in court providing possession and use is not disruptive.*~~

SECTION 60 - E21-PROSECUTION COORDINATION COMMISSION

- 60.3 CONFORM TO FUNDING** (Judicial Circuits State Support) Requires Judicial Circuits (16) State Support funds to be apportioned among the circuits on a per capita basis based on the current official census.
WMC: AMEND proviso to direct that the first \$4,692,961 be distributed on a per capita basis while the next \$720,000 be distributed on a pro-rata basis. *Distribution of additional funds requested on a pro-rata basis would benefit circuits that receive less money under the per-capita distribution because of smaller population.* Fiscal Impact: Additional \$720,000 state funds recommended. Requested by Prosecution Coordination Commission.
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: CONFORM to funding.

60.3. (PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16) State Support shall be apportioned among the circuits. The first \$4,692,961 shall be distributed on a per capita basis based upon the current official census. The next \$720,000 shall be distributed on a pro-rata basis. Payment shall be made as soon after the beginning of each quarter as practical.

- 60.10 ADD** (DUI Prosecution) **WMC:** ADD new proviso to require Driving Under the Influence (DUI) Prosecution funds be apportioned among the circuits on a pro-rata basis. Require the commission to retain non-privileged DUI prosecution information and data and provide such information, including the number and types of dispositions and the county where the disposition took place, to the General Assembly in an annual report within 60 days after the end of the fiscal year. *Mirrors CDV Prosecution proviso 60.7.* Fiscal Impact: Agency has requested \$1.6 million to fund this initiative. Requested by Prosecution Coordination Commission.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

60.10. (PCC: DUI Prosecution) The amount appropriated and authorized in this section for Driving Under the Influence Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution Coordination Commission shall collect and retain information and data regarding Driving Under the Influence Prosecution and shall include: the number of dispositions, types of dispositions and county in which the

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disposition took place and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

SECTION 61 - E23-COMMISSION ON INDIGENT DEFENSE

61.dcf **ADD** (Donation Carry Forward) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow the Commission on Indigent Defense to accept donations for the publication of "The South Carolina Juvenile Collateral Consequences Checklist" and retain, carry forward and expend revenue derived from donations received. Fiscal Impact: No impact on the General Fund.

***61.dcf.** (INDEF: Donation Carry Forward) The Commission on Indigent Defense may accept donations for the publication of "The South Carolina Juvenile Collateral Consequences Checklist." All revenue derived from donations received at the Commission on Indigent Defense shall be retained, carried forward and expended according to agreement reached between the donor, or donors, and the Commission on Indigent Defense.*

SECTION 62 - D10-STATE LAW ENFORCEMENT DIVISION

62.18 **RESTORE ORIGINAL PROVISO** (Criminal Record Search Fees) Authorizes SLED to charge and collect an \$8 fee from local governmental entities to perform a criminal record search for local park and recreation volunteers. Prohibits any organization that is charged the reduced fee from charging the individual on whom the search is conducted more than the \$8 or from charging them any additional fee not required by SLED. Requires that these criminal record searches must be for someone who is performing in an official capacity for the organization and prohibits the record searches from being resold.

WMC: AMEND proviso to also apply the \$8 fee for local park and recreation volunteers through PRT. Fiscal Impact: BEA states that prior to this provision PRT was charged \$25 for each criminal record search. Based on 289 searches conducted in FY 11-12 SLED received \$7,225 from PRT in FY 11-12. Assuming a similar number of searches would be conducted in FY 13-14, revenue generated for SLED would be reduced \$4,913.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: RESTORE original proviso.

62.18. (SLED: Criminal Record Search Fees) The State Law Enforcement Division is authorized to charge and collect a fee of eight dollars for a criminal record search for local park and recreation volunteers through a commission, municipality, **or** county, ~~or the South Carolina Department of Parks, Recreation, and Tourism~~. Any organization that is authorized to receive the reduced fee must not charge the volunteer, mentor, member, or employee more than the eight dollars or any additional fee that is not required by the State Law Enforcement Division. All criminal record searches conducted under this provision must be for a volunteer, mentor, member or employee performing in an official capacity of the organization and must not be resold.

62.19 **ADD** (Compensatory Payment) **WMC:** ADD new proviso to authorize exempt SLED employees to be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Chief, if the Governor declares a state of emergency. Requested by State Law Enforcement Division.

HOU: ADOPT new proviso.

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SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

62.19. (SLED: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the State Law Enforcement Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Chief, and providing funds are available.

62.20 **ADD** (Meth Lab Clean Up Carry Forward) **WMC:** ADD new proviso to authorized SLED to carry forward any unexpended "Meth Lab Clean Up" funds and expend such funds for the same purpose. Requested by State Law Enforcement Division.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

62.20. (SLED: Meth Lab Clean Up Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year, in the special line "Meth Lab Clean Up" may be carried forward and expended for the same purpose in the current fiscal year.

62.21 **CONFORM TO FUNDING** (\$25 Criminal Record Search Fee) **WMC:** ADD new proviso to authorize SLED to charge and collect a \$25 fee to conduct a criminal record search pursuant to Chapter 73 [SOUTH CAROLINA LAW ENFORCEMENT DIVISION] Article 3 [CRIMINAL INFORMATION & COMMUNICATION] Subarticle 1 [COMPUTERIZED CRIMINAL HISTORY]. Require the first \$4,000,000 collected be deposited into the General Fund and allow SLED to collect, retain, expend, and carry forward any funds collected above that amount for agency operations. *SLED plans to offer online credit card payments for record search fees using SC.GOV and states they needs additional revenue to cover the migration cost.* Fiscal Impact: BEA states that Section 23-3-115 requires \$4,461,000 of the funds generated from record search fees to be remitted to the General Fund, consequently there would be reduction of \$461,000 in General Fund revenue. Requested by State Law Enforcement Division.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding.

62.21. (SLED: \$25 Criminal Record Search Fee) The State Law Enforcement Division shall charge and collect a fee of twenty-five dollars for each criminal record search conducted pursuant to regulations contained in Subarticle 1, Article 3, Chapter 73, of the Code of Regulations. All revenue generated up to an amount of four million dollars collected from the criminal record search fee must be deposited to the general fund of the State; any revenue generated above this amount shall be collected, retained, expended, and carried forward by the State Law Enforcement Division for agency operations.

SECTION 63 - K05-DEPARTMENT OF PUBLIC SAFETY

63.1 **DELETE** (Special Events Traffic Control) Prohibits the Highway Patrol from charging a fee for providing traffic control for special events. Fiscal Impact. DPS indicates \$568,404 of agency funds are spent annually on providing traffic control for special events. Deletion would make that amount available for other agency operations.

SUBCOMMITTEE RECOMMEDATION: DELETE proviso.

~~63.1. (DPS: Special Events Traffic Control) The highway patrol must not charge any fee associated with special events for maintaining traffic control and ensuring safety on South~~

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~~Carolina public roads and highways unless approved by the General Assembly. Nothing shall prohibit the Treasury of the State from accepting voluntary payment of fees from private or public entities to defray the actual expenses incurred for services provided by the Department of Public Safety.~~

- 63.7 DELETE** (Retention of DMV Cash Transfer) Authorizes DPS to expend and carry forward funds transmitted by the DMV per Proviso 90.20 of the 2009-10 Appropriation Act.
WMC: DELETE proviso. *Funding has been expended.* Requested by Department of Public Safety.
HOU: ADOPT deletion of proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**63.7.** (DPS: Retention of DMV Cash Transfer) The Department of Public Safety is hereby authorized to retain, expend, and carry forward funds transmitted by the Department of Motor Vehicles without any specific restrictions for the utilization of these funds pursuant to Proviso 90.20 (SR: DMV Cash Transfer) of Act 23 of 2009.~~

SECTION 65 - N04-DEPARTMENT OF CORRECTIONS

- 65.27 ADD** (Wateree River Correctional Institution) **WMC:** ADD new proviso to allow the department to use inmate labor for work associated with the Wateree River Correctional Institution Radium - Drinking Water Compliance Project. Fiscal Impact: Agency indicates use of inmate labor could save the department approximately \$500,000. Requested by Department of Corrections.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

65.27. (CORR: Wateree River Correctional Institution) The Department of Corrections may utilize inmate labor to perform any portion of the work which will be installed on the Wateree River Correctional Institution property for the Wateree River Correctional Institution Radium - Drinking Water Compliance Project.

- 65.meo ADD** (Meals in Emergency Operations) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow the Department of Corrections to furnish meals to its employees who are working and not allowed to leave their stations during emergency situations. Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

65.meo. (CORR: Meals in Emergency Operations) The Department of Corrections may provide meals to public employees who are not permitted to leave their stations and are required to work during actual emergencies, emergency simulation exercises, and when the Governor declares a state of emergency.

SECTION 67 - N12-DEPARTMENT OF JUVENILE JUSTICE

- 67.13 DELETE** (Emergency Authority to Transfer PIP Funds) Authorizes DJJ to use up to \$1.5 million of unobligated permanent improvement project funds for operating purposes in order to maintain constitutional conditions at its facilities.
WMC: DELETE proviso. *No longer needed because insufficient funds are in PIP account to execute.* Requested by Department of Juvenile Justice.

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HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~67.13. (DJJ: Emergency Authority to Transfer PIP Funds) The Department of Juvenile Justice is authorized to transfer to its operational and/or personnel accounts up to \$1,500,000 of Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, that have been previously allocated to the department by the General Assembly/Joint Bond Review Committee and approved by the Budget and Control Board, if those funds are unobligated or not otherwise committed by the department for active permanent improvement projects. The department may utilize these funds in Fiscal Year 2012-13 as necessary in order to maintain constitutional conditions in its institutional facilities and residential programs.~~

67.14 DELETE (Emergency Release for Community Evaluation) Authorizes DJJ to place juveniles in their home or community while undergoing community evaluation unless the judge finds the child to be a flight or public safety risk.

WMC: DELETE proviso. *Codified in Section 63-19-1440(C).* Requested by Department of Juvenile Justice.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~67.14. (DJJ: Emergency Release for Community Evaluation) The Department of Juvenile Justice is authorized to allow any child adjudicated delinquent for a status offense, for a misdemeanor offense other than Assault and Battery of a High and Aggravated Nature or Assault with Intent to Kill, or for violation of probation/contempt for any offense who is temporarily committed to its custody for a residential evaluation, to reside in that child's home or in his home community while undergoing a community evaluation, unless the committing judge finds and concludes in the order for evaluation, that a community evaluation of the child shall not be conducted because the child presents an unreasonable flight or public safety risk to his home community.~~

67.15 DELETE (Earned Compliance Credit) Authorizes a 10-day reduction per month of probationary and parole terms if juvenile is compliant with conditions of supervision of probation or parole to allow officers to focus on higher risk juveniles under supervision.

WMC: DELETE proviso. *Codified in Section 63-19-1835.* Requested by Department of Juvenile Justice.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~67.15. (DJJ: Earned Compliance Credit) In order to avoid unconstitutional levels of overcrowding and other unconstitutional conditions from occurring in residential programs operated for the Department of Juvenile Justice, and in order to reduce caseloads of the Department's probation and parole officers so that these officers can better focus their attention and limited resources on those offenders who pose a greater threat to public safety, the Department is authorized to grant up to a ten day reduction of their probationary or parole term to probationers and parolees who are under its supervision for each month they are compliant with the terms and conditions of their probation or parole order.~~

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SECTION 106 - R44-DEPARTMENT OF REVENUE

- 106.3** **AMEND** (Rural Infrastructure Fund Transfer) Authorizes DOR to deposit Rural Infrastructure Fund revenues in excess of \$12,000,000 to the Rural Infrastructure Bank Trust Fund under the B&C Board, Office of Local Government and to deposit revenue in excess of \$17,000,000 to the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council. Requires all funds in the Rural Infrastructure Bank Trust Fund under the B&C Board, Office of Local Government be transferred during FY 11-12 to the S.C. Rural Infrastructure Authority, Rural Infrastructure Fund.
- WMC:** AMEND proviso to change "Budget and Control Board, Office of Local Government" reference to "Rural Infrastructure Authority" and delete language pertaining to the transfer of funds from the Office of Local Government to the Rural Infrastructure Fund. *The transfer of funds will occur in FY 2012-13. The purposes for the Rural Infrastructure Fund as defined in this proviso are also defined in its enabling legislation and this language is no longer needed.* Requested by Budget and Control Board.
- HOU:** ADOPT proviso as amended.
- SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

106.3. (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure ~~Bank Trust Fund~~ under the ~~Budget and Control Board, Office of Local Government~~ *Rural Infrastructure Authority*. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council. ~~All monies in the Rural Infrastructure Bank Trust Fund under the Budget and Control Board, Office of Local Government, including those deposited in the fund pursuant to the provisions of this paragraph, must be transferred during Fiscal Year 2011-12 to the Rural Infrastructure Fund of the South Carolina Rural Infrastructure Authority established pursuant to Chapter 50 of Title 11 to be used for the purposes of the Rural Infrastructure Authority, which involve providing financial assistance for qualified rural infrastructure projects to include facilities and appurtenances to meet public health and environmental standards, to develop trade, commerce, and industry, to provide for potable water and wastewater services, and to provide for emergency preparedness infrastructure.~~

- 106.8** **ADD** (Fraudulent Tax Return Program) **WMC:** ADD new proviso to authorize the department to establish and implement a Fraudulent Tax Return Detection Program for the purpose of preventing the payment of fraudulent tax refunds and to contract with information and technology entities to provide detection capabilities. Direct the department and to pay for the program from savings realized through implementation.
- HOU:** ADOPT new proviso.
- SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

106.8. (DOR: Fraudulent Tax Return Program) The Department of Revenue may establish a Fraudulent Tax Return Detection Program to prevent payment of fraudulent tax refunds. To implement the program the department may contract with information and technology entities to provide the necessary detection capabilities. The department shall pay for the program from the savings realized by implementation.

- 106.top** **ADD** (Treasury Offset Program) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize DOR to retain mailing and associated administrative costs incurred

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resulting from the State's participation in the Federal Treasury Offset Program. Require remaining revenue be deposited into the General Fund. Fiscal Impact: PENDING. Agency states there will be \$111,851 reduction in amounts deposited in the General Fund. This represents the 5-year annual average of administrative costs incurred. The 5-year annual average of state tax collections resulting from the program, as reported by DOR, is \$34,601,174. Requested by Department of Revenue.

106.top. (DOR: Treasury Offset Program) The Department of Revenue is authorized to retain mailing and associated administrative costs incurred as a result of the State's participation in and the notice requirements of the Federal Treasury Offset Program. Retained expenses shall be from tax offset revenue received from the federal government. Remaining revenue shall be deposited in the General Fund.

SECTION 117 - X90-GENERAL PROVISIONS

117.94 AMEND (Joint Children's Committee) Directs DOR to reduce the interest rate paid on tax refunds by 1% and to transfer \$250,000 of the resulting revenue from the rate reduction to the Senate for the Joint Citizens and Legislative Committee on Children and the remaining revenue to DJJ.

SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "\$250,000" to "\$300,000." Fiscal Impact: No impact on the General Fund. \$50,000 other fund increase for the Joint Children's Committee with a corresponding decrease of \$50,000 for DJJ. Requested by Governor's Office.

117.94. (GP: Joint Children's Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, ~~\$250,000~~ \$300,000 shall be transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other operating expenses as directed in Section 63-1-50 of the 1976 Code. The remaining revenue resulting from this reduction shall be transferred to the Department of Juvenile Justice to be used for mentoring or alternatives to incarceration programs. Unexpended funds authorized by this provision may be retained and carried forward by the Senate or the Department of Juvenile Justice, respectively, and used for the same purposes. The rate of reduction authorized in this provision shall be in addition to the reduction authorized in Proviso 92.10.

117.109 DELETE (Law Enforcement Special Salary Increase) Provides SLED, DPS, DNR, DPPP, and the Forestry Commission Class I law enforcement officers whose annual salary was \$50,000 or less prior to the base pay increase on 7/1/12 with an additional 2% salary increase.

WMC: DELETE proviso. *Increase was provided in FY 2012-13.*

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

117.109. (GP: Law Enforcement Special Salary Increase) ~~All funds appropriated to the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, the Department of Probation, Parole, and Pardon Services, and the Forestry Commission for law enforcement salary increases above the amount appropriated for base pay increases for state employees must be distributed on or after July 1, 2012. The specified funds are to be used to increase by two percent, the compensation of Class 1 Law Enforcement~~

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Officers whose annual salary was \$50,000 or less prior to the base pay increase authorized in proviso 101.22 of this act.

- 117.119 DELETE NEW PROVISO** (Magistrate Courts Jury Areas) **WMC:** ADD new proviso to establish countywide jury areas for magistrate courts. Require DMV and the State Election Commission use their existing appropriations to develop and provide countywide jury lists in accordance with Section 14-7-130 [PREPARATION OF JURY LIST FROM ELECTRONIC FILE OF PERSONS HOLDING VALID SOUTH CAROLINA DRIVER'S LICENSE OR IDENTIFICATION CARD.] Direct that the lists be provided to the chief magistrate of each county without charge.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*117.119. (GP: Magistrate Courts Jury Areas) Jury areas for magistrate courts are established countywide, with the Department of Motor Vehicles and State Election Commission required to develop and provide countywide jury lists in accordance with Section 14-7-130 of the 1976 Code using their existing appropriations. The lists shall be provided to the chief magistrate for administration of each county without charge.*~~

- 117.acf ADD** (Annual Audit of Court Fees and Fines Reports) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require the State Auditor to perform a minimum of 15 audits of local jurisdictions annually, or the maximum number of audits that can be performed with \$250,000 received annually from the State Treasurer for that purpose, and report whether or not fees and fines are being properly collected and remitted to the State Treasurer for distribution to various agencies as required by statute. Prohibit these funds from being used for any other purpose. Direct any balance remaining from the \$250,000 received from the State Treasurer in the prior fiscal year to be carried forward and be used for the same purpose in the current fiscal year. Require the State Auditor to annually report to the Senate Finance Committee and the House Ways and Means Committee its findings of the jurisdictions audited.

~~*117.acf. (GP: Annual Audit of Court Fees and Fines Reports) The State Auditor is required to perform a minimum of fifteen (15) audits annually of county treasurers, municipal treasurers, county clerks of court, magistrates and/or municipal courts as required by Section 14-1-210 of the 1976 Code and allowed by proviso 118.5 of this act; however, the State Auditor shall not be required to spend more than the annual amount of \$250,000, received from the State Treasurer to conduct the said audits pursuant to Section 14-1-210 of the 1976 Code. The State Auditor shall consult with the State Treasurer to determine the jurisdictions to be audited in the current fiscal year. Jurisdictions may be selected randomly or based on an instance in the current or previous fiscal year of failing to report, incorrectly reporting or under remitting amounts owed. The funds transferred to the State Auditor by the State Treasurer shall not be used for any purpose other than to conduct the described audits and report whether or not the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed and/or mandated are properly collected and remitted to the State. Any unexpended balance on June 30 of the prior fiscal year shall be carried forward and must be expended for the same purpose during the current fiscal year. The State Auditor shall annually report by October 1 its findings of the jurisdictions audited to the Senate Finance Committee and the House Ways and Means Committee.*~~

- 117.tr ADD** (Transfer of Resources) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the State Budget Division, upon enactment of any legislation that merges the

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Department of Corrections and the Department of Probation, Parole and Pardon Services, to establish a new program within the Department of Corrections entitled "Probation, Parole and Pardon Services" and to facilitate the transfer to the Department of Corrections all personnel, equipment, supplies, appropriations, carry forward funds and all other assets and resources of the Department of Probation, Parole and Pardon Services. Direct the State Budget Division to submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on implementation of the directive. Fiscal Impact: No impact on the General Fund.

117.tr. (GP: Transfer of Resources) In the event legislation is enacted that merges the Department of Probation, Parole and Pardon Services into the Department of Corrections, the State Budget Division is directed to establish a new program within the Department of Corrections entitled "Probation, Parole and Pardon Services." The division is further directed to facilitate the transfer to the Department of Corrections of all personnel, equipment, supplies, appropriations, carry forward funds, and all other assets and resources of the Department of Probation, Parole and Pardon Services. The State Budget Division shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on implementation of this directive.

ADDITIONAL PROVISO CONTAINED IN H.3711, CAPITAL RESERVE FUND

CRF CONFORM TO FUNDING (SECTION 3) HOU: ADD new section to direct that the \$25,000,000 appropriated to the B&C Board for Statewide Cyber Security and Consumer Protection be first used to provide, at a minimum, one additional year of consumer protection to citizens enrolled in "ProtectMyID" as of 3/31/13 and that that any remaining funds be used by the board to implement recommended state agency cyber security improvements.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding.

SECTION 3. The General Assembly finds, that as a top priority of the current fiscal year, consumer protection is to continue to be provided for those citizens whose personal financial information was compromised as a result of the Department of Revenue Security Breach of 2012. In accordance with that finding, the funds appropriated to the Budget and Control Board for Statewide Cyber Security and Consumer Protection shall first be used to provide, at a minimum, one additional year of consumer protection to those citizens who were enrolled in "ProtectMyID" as of March 31, 2013. Any funds remaining shall be utilized by the board to implement state agency cyber security improvements as recommended in solutions for plans on cyber security improvements.