

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2017-18**

SECTION 57 - B040 - JUDICIAL DEPARTMENT

- 57.5 CONFORM TO FUNDING** (Judicial Expense Allowance) Provides a \$500 monthly expense allowance to full time judges.
WMC: AMEND proviso to change “five hundred” to “one thousand” dollars per month. Fiscal Impact: Agency states a projected fiscal impact of \$800,000. Requested by South Carolina Judicial Department.
HOU: ADOPT proviso as amended.
SFC SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

57.5. (JUD: Judicial Expense Allowance) Each Supreme Court Justice, Court of Appeals Judge, Family Court Judge and Circuit Court Judge and any retired judge who receives payment for performing full-time judicial duties pursuant to Section 9-8-120 of the South Carolina Code of Laws, shall receive ~~five hundred~~ one thousand dollars per month as expense allowance.

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

- 63.7 DELETE** (Hours of Service Rest Requirements) Directs DPS to establish a policy to allow commercial motor vehicle drivers who are involved in intrastate commerce to use time waiting in their trucks while on the job to satisfy any hours of the 30 minute rest requirements.
WMC: DELETE proviso. *Agency states it has satisfied the requirements of this proviso.* Requested by Department of Public Safety.
HOU: ADOPT deletion of proviso.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

63.7. (DPS: Hours of Service Rest Requirements) ~~Of the funds directed to the Department of Public Safety, the department shall expend the necessary funds to establish a policy to allow drivers of commercial motor vehicles engaged in intrastate commerce to use time waiting in their trucks while on the job to satisfy any hours of service thirty minute rest requirements. The policy shall then be printed and distributed to the Senate Transportation Committee and the House of Representatives Education and Public Works Committee. In addition, the policy shall be provided to any motor carrier who requests a copy. The department is further instructed to allow the Motor Carrier Advisory Committee to review options that may facilitate adoption of allowable variances from state and federal statutes, rules, and regulations, as well as specific relief for interstate border zone operations.~~

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63.9 AMEND NEW PROVISO (Overtime Pay) WMC: ADD new proviso to require the department to pay current law enforcement officers, by October 1, for any comp time earned and not used in the prior fiscal year. Direct the department to use personal services and/or employer contributions carried forward funds for this purpose.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to specify that comp time is to be paid only to “non-exempt” law enforcement officers. Direct that if the department does not have enough carry forward funds to pay all accrued comp time, they shall pay officers on a percentage distribution based on the hours owed per officer up to the total amount of funds carried forward.

63.9. (DPS: Overtime Pay) The department is authorized and required to pay current non-exempt law enforcement officers, by October 1st of the current fiscal year, for any compensatory time earned and not used in the prior fiscal year. The funds for this compensation must be provided from available personal services and/or employer contributions funds carried forward from the prior fiscal year. If the amount of carried forward funds is not sufficient to pay all the non-exempt law enforcement officers accrued compensatory time, the agency shall pay the officers on a percentage distribution based on the hours owed per officer up to the total amount that the agency has carried forward.

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SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

65.18 AMEND (Special Assignment Pay Level 2 & 3 Facilities) Directs that funds appropriated for special assignment pay are to address vacancies and turnover by providing pay differential for certain correctional officers, nursing staff, and food service staff at Level II and III facilities.

WMC: AMEND proviso to delete the directive that special assignment pay is a percentage of the base salary and shall not exceed the specified percentages. Delete references to previous staff categories and percentages assigned to each and add Cadets, Correctional Officers, Corporals I and II, Sergeants and Lieutenants; Captains and Majors; Nursing Staff, Food Services Staff, and Warden.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

65.18. (CORR: Special Assignment Pay Level 2 & 3 Facilities) Funds appropriated for special assignment pay at the Department of Corrections are for the purpose of addressing vacancies and turnover of staff by providing a pay differential for certain employees assigned to institutions with a Level II or Level III security designation. The funds are to be used for special assignment pay only and may not be transferred to any other program. If the employee leaves one of the qualifying job classes or leaves a Level II or Level III institution for a non-Level II or non-Level III facility, they shall no longer be eligible for this special assignment pay. Only employees in full-time equivalent positions are eligible for this special assignment pay.

The special assignment pay is not a part of the employee's base salary, ~~but is a percentage thereof, and is to be paid so as not to exceed the percentages specified below~~ and is as determined by the Director of the Department of Corrections at Level II and Level III institutions:

(1) Cadets;

(2) Correctional Officers, including Class Code JD-30 (Officer I and II positions);

(3) Corporals I and II;

(4) Sergeants and Lieutenants;

(5) Captains and Majors;

(6) Nursing Staff;

(7) Food Services Staff; and

(8) Warden.

~~(A) At Level II institutions:~~

~~(1) four percent for Correctional Officers including Class Code JD-30 (cadets and Officer I and II positions) and Corporals I and II;~~

~~(2) two percent for Sergeants and Lieutenants;~~

~~(3) one percent for Captains and Majors;~~

~~(4) two percent for Nursing staff; and~~

~~(5) two percent for Food Service staff.~~

~~(B) At Level III institutions:~~

~~(1) eight percent for Correctional Officers including Class Code JD-30 (cadets and Officer I and II positions) and Corporals I and II;~~

~~(2) three percent for Sergeants and Lieutenants;~~

~~(3) one percent for Captains and Majors;~~

~~(4) three percent for Nursing staff; and~~

~~(5) three percent for Food Service staff.~~

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SECTION 117 - X900 - GENERAL PROVISIONS

117.123 AMEND (Sentencing Reform Oversight Committee Reauthorization) Reauthorizes the Sentencing Reform Oversight Committee for FY 2016-17 and adds four members to the committee: two members of the House, one appointed by the Speaker of the House and one appointed by the Ways and Means Committee Chairman, and two members of the Senate, one appointed by the President Pro Tempore and one appointed by the Senate Finance Committee Chairman.

WMC: AMEND proviso to change "Fiscal Year 2016-17" to "the current fiscal year."

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.123. (GP: Sentencing Reform Oversight Committee Reauthorization) The Sentencing Reform Oversight Committee established by Chapter 28 of Title 24 of the 1976 Code is reauthorized for ~~Fiscal Year 2016-17~~ *the current fiscal year*, notwithstanding the provisions of Section 24-28-20(c). Four members shall be added to the Sentencing Reform Oversight Committee. Two shall be members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the Chairman of the Ways and Means Committee. Two shall be members of the Senate, one appointed by the President Pro Tempore of the Senate and one appointed by the Chairman of the Senate Finance Committee.

117.128 DELETE (Retail Facilities Revitalization Act Repeal Suspension) Suspends the repeal of Chapter 34 of Title 6 [RETAIL FACILITIES REVITALIZATION ACT] as specified in Act 285 of 2006 for sites that have provided DOR written notification of election of mode of credit before 7/1/16 and for which a building permit has been issued prior to 7/1/16.

WMC: DELETE proviso. Fiscal Impact: RFAO states there would be no fiscal impact on state general fund income tax revenue and/or license tax revenue in FY 2017-18.

HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

117.128. (GP: Retail Facilities Revitalization Act Repeal Suspension) ~~The repeal of Chapter 34 of Title 6 of the 1976 Code as specified in Act 285 of 2006 as to sites for which written notification of election of mode of credit has been provided to the Department of Revenue prior to July 1, 2016 and for which a building permit has been issued prior to July 1, 2016, is suspended for Fiscal Year 2016-17.~~

117.139 DELETE NEW PROVISO (Statehouse Security Body Cameras) **WMC:** ADD new proviso to require all law enforcement officers assigned to the Statehouse grounds and complex to be equipped with a body worn camera while performing their duties.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*117.139. (GP: Statehouse Security Body Cameras) All law enforcement officers assigned to the Statehouse grounds and complex must be equipped with a body worn camera at all times while performing their duties.*~~

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- 117.141 DELETE NEW PROVISO** (Study Committee on Electronic Recording of Custodial Interrogations) **WMC:** ADD new proviso to direct the Judicial Department, Court Administration Program to establish a committee to study statewide implementation of electronic recording of custodial interrogations in their entirety. Provide for the composition of the study committee; direct that Court Administration shall provide staff support; and require the committee submit its findings by March 1, 2018, to the House, Senate and Governor's Office.
HOU: ADOPT new proviso.
SFC SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*117.141. (GP: Study Committee on Electronic Recording of Custodial Interrogations) From the funds appropriated to and/or authorized for the Judicial Department, Court Administration Program, the department shall establish a study committee to study statewide implementation of electronic recording of custodial interrogations in their entirety. The committee shall review current written policies, practices and equipment in place at state and local law enforcement agencies for electronically recording custodial interrogations; guidelines for a state model policy on electronically recording custodial interrogations in their entirety, including definition of the term custodial interrogations, the crime categories for which custodial interrogations shall be recorded, exigent circumstances that would exempt an officer from recording an interrogation in its entirety; recommendations for how law enforcement agencies can obtain or access audiovisual or audio only equipment to record custodial interrogations; anticipating the differences in resources available to large and small agencies; and remedies that the court may consider if a custodial interrogation is not recorded.*~~

~~*The study committee shall be comprised of the following:*~~

~~*(1) Two members of the Senate appointed by the President Pro Tempore of the Senate;*~~

~~*(2) Two members of the House of Representatives appointed by the Speaker of the*~~

~~*House;*~~

~~*(3) A representative appointed by the Attorney General;*~~

~~*(4) Chief of the State Law Enforcement Division;*~~

~~*(5) A representative of the South Carolina Sheriffs' Association;*~~

~~*(6) A representative from the South Carolina Commission on Prosecution Coordination;*~~

~~*(7) A representative of the South Carolina Association for Justice;*~~

~~*(8) A representative of the South Carolina Association of Criminal Defense Lawyers;*~~

~~*and*~~

~~*(9) A representative of the Commission on Indigent Defense.*~~

~~*Staff support shall be provided by Court Administration. The committee shall submit a written report of its findings and recommendations to the House of Representatives, the Senate and the Governor's Office no later than March 1, 2018.*~~

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117.142 ADD (Indigent Defense Screening Review) **WMC:** ADD new proviso to direct the Commission on Indigent Defense and the Judicial Department Court Administration Program to consult with the Summary Court Judges' Association and Clerks of Court Association on screening indigent defense applications. Direct the Commission on Indigent Defense and Court Administration to make recommendations to the Chairmen of the House Ways and Means, House Judiciary, Senate Finance and Senate Judiciary Committees no later than December 1, 2017, regarding the applicant screening process.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

117.142. (GP: Indigent Defense Screening Review) The Commission on Indigent Defense and the Judicial Department Court Administration Program shall consult with the Summary Court Judges' Association and Clerks of Court Association on issues regarding the screening of applicants for indigent defense representation. The Commission on Indigent Defense and Court Administration shall make recommendations to the Chairman of the House Ways and Means Committee, the Chairman of the House Judiciary Committee, the Chairman of the Senate Finance Committee, and the Chairman of the Senate Judiciary Committee no later than December 1, 2017 regarding: requirements for applicants to verify their financial status, supporting documentation that should be required of all applicants; who should conduct the screening, what resources are necessary to properly screen applicants and any other recommendations that will assist in ensuring only those applicants that are truly indigent qualify for the services of a public defender or other appointed counsel.