

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2018-19**

SECTION 60 - E210 - PROSECUTION COORDINATION COMMISSION

60.2 CONFORM TO FUNDING / AMEND (Solicitor Expense Allowance) Directs that each solicitor receive \$500 per month expense allowance.

WMC: AMEND proviso to change the expense allowance from \$500 to \$1,000 per month.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

60.2. (PCC: Solicitor Expense Allowance) Each solicitor shall receive ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) per month as expense allowance.

60.it CONFORM TO FUNDING / ADD (Prosecution Case Management IT Systems) **SUBCOMMITTEE RECOMMENDATION:** CONFORM to funding recommendation / ADD new proviso to direct that appropriations for Prosecution Case Management Systems be distributed to each circuit solicitor's office on a pro-rata basis. Fiscal Impact: Agency requested an increase of \$1,600,000 recurring and \$1,600,000 nonrecurring General Fund dollars for Case Management IT Systems for distribution among sixteen circuits, plus \$103,000 for a database administrator.

60.it. (PCC: Prosecution Case Management IT Systems) The amount appropriated and authorized in this section for Prosecution Case Management Systems shall be apportioned among the circuits on a pro-rata basis.

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

63.4 DELETE (Sale of Real Property) Authorizes DPS, DOT, and DMV to receive and expend funds received from the sale of property in Greenville.

WMC: DELETE proviso. *Agency states the Laurens Road property in Greenville was sold in FY 2016-17 and the proceeds were distributed to DPS, DOT and DMV. Requested by Department of Public Safety.*

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

63.4. ~~(DPS: Sale of Real Property) At such time as any portion of the Laurens Road property in Greenville is declared to be surplus by the agency or agencies which occupy said portion, and after receiving approval from the Department of Administration or State Fiscal Accountability Authority, for the sale of the property, the Department of Public Safety, the Department of Transportation, and the Department of Motor Vehicles are authorized to receive, retain, expend, and carry forward funds derived from the sale of the real property in which each agency holds an interest or title. No portion of the property may be declared as surplus by one agency if another agency is occupying said property. The Department of Public Safety is directed to use these funds to defray the operating expenses of the Highway Patrol and the Department of Transportation and the Department of Motor Vehicles are directed to use their portion of these funds for department operating expenses.~~

63.8 CONFORM TO FUNDING / AMEND (Overtime Pay) Requires the department to pay current non-exempt law enforcement officers, by October 1, for any comp time earned and not used in the prior fiscal year. Directs the department to use personal services and/or employer contributions carried forward funds for this purpose. Directs 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. **WMC:** AMEND proviso to change "Fiscal Year 2017-18" to "the current fiscal year."

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HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

63.8. (DPS: Overtime Pay) For Fiscal Year 2017-18 *the current fiscal year*, the department is authorized and required to pay current non-exempt law enforcement officers by October first 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.

SECTION 64 -N200 - LAW ENFORCEMENT TRAINING COUNCIL

64.3 **ADD** (CJA-Unexpended FY 2017-18 General Funds) **WMC:** ADD new proviso to authorize the Criminal Justice Academy to carry forward unexpended general funds to complete the Village Dorm restroom repairs and training program technology upgrades.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

64.3. (LETC: CJA-Unexpended FY 2017-18 General Funds) The Law Enforcement Training Council, Criminal Justice Academy, is authorized to carry forward unexpended general funds from the prior fiscal year into the current fiscal year to complete Village Dorm restroom repairs and technology upgrades for the training program.

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

65.29 **DELETE NEW PROVISO** (CBD Pilot Program) **WMC:** ADD new proviso to direct the department to establish a pilot program for the therapeutic use of cannabidiol (CBD) oil and require criteria, eligibility, guidelines and policy be developed. Direct that a report be submitted to the Chairmen of the House Ways and Means and Senate Finance Committees when the pilot program has been completed that provides details on outcomes and cost savings.

HOU: AMEND new proviso to delete the establishment of a pilot program and instead initiate a study committee with MUSC, DHHS, and DMH to explore the use of CBD oil in a therapeutic manner on prisoners. Direct the committee to review applicable laws and develop certain procedures and policy recommendations to administer a pilot program. Direct that a report be submitted to the Chairmen of the House Ways and Means and Senate Finance Committees that details process and procedures, potential outcomes and cost savings, and the feasibility of establishing a pilot program to use CBD oil on prisoners. Sponsor: Rep. Pitts.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*65.29. (CORR: CBD Pilot Program) Of the funds appropriated or authorized to the Department of Corrections, the department shall initiate a study committee with MUSC, DHHS, and DMH to explore the use of cannabidiol oil, also known as CBD oil, in a therapeutic manner for eligible incarcerated individuals. The committee shall review applicable laws to include 45 CFR 46, related to research authorized for use on prisoners and the federal protections created for prisoners as subjects of biomedical and behavioral research and develop criteria, eligibility, guidelines, policy recommendations, and an overview of the necessary federal approvals and boards required for the administration of a pilot program. Upon completion of the study, a report must be submitted to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee that details the process and procedures involved, potential*~~

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~~outcomes and cost savings, and feasibility of establishing a pilot program to allow use of CBD oil in a therapeutic manner for eligible incarcerated individuals.~~

- 65.30** **AMEND NEW PROVISO** (Video Bond Conferencing) **HOU:** ADD new proviso to direct that the video conferencing bond system be used for bond hearings for inmates at Lieber Correctional Institution and charged with criminal offenses in Dorchester County. Sponsor: Rep. Murphy.
SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to delete specific reference to Lieber and instead require video conferencing to be used for bond hearings at all Department of Corrections facilities that have video conferencing systems that are compatible with county equipment. Direct that the department shall not be responsible for recording hearings or providing equipment to counties.

~~**65.30.** (CORR: Video Bond Conferencing) In the current fiscal year, and from the funds appropriated to the Department of Corrections, the video conferencing bond system shall be used for all bond hearings for inmates incarcerated at Lieber Correctional Institution and charged with criminal offenses in Dorchester County facilities with video conferencing capabilities that are compatible with county video conferencing equipment, network, firewalls, etc. and charged with criminal offenses that require a bond hearing. The Department of Corrections shall not be responsible for recording any of these proceedings or for providing the counties with any equipment.~~

SECTION 109 - R440 - DEPARTMENT OF REVENUE

- 109.9** **AMEND** (May Events) Directs that up to 1/3 of the total accommodation tax allocation returned to Horry County or its municipalities may be set aside and used for direct policing activities during events held in May within Horry County. Requires the local government inform DOR by October 31st of the percentage of accommodation tax to be withheld, not to exceed 1/3 of the estimated yearly return. Directs DOR to send these funds to the local governing entity upon their request. Requires the county or municipalities submit a report on the expenditure of the funds to the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees by 90 days after the end of the event for which the funds were expended.
WMC: AMEND proviso to exclude municipalities that have enacted a Tourism Development Fee.
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

109.9. (DOR: May Events) Of the accommodation tax returned to Horry County or the municipalities therein, excluding municipalities that have enacted a Tourism Development Fee up to one third of the total allocation may be set aside and used for direct policing activities during events held in May within Horry County. By October thirty-first, the local government must inform the Department of Revenue the percentage of accommodation tax to withhold, not to exceed one third of the estimated yearly return, ~~that~~ which will be dedicated to direct policing activities. These funds shall be sent by the Department of Revenue to the local governing entity upon request of the local entity. A report on the expenditure of these funds, which must include the amount and purpose for which the funds were expended shall be submitted by the county or municipalities to the Governor, the Chairman of Senate Finance Committee and the Chairman of House Ways and Means Committee no later than ninety days after the end of any event in which these funds are expended.

- 109.11** **ADD** (Tourist Safety) **WMC:** ADD new proviso to allow any municipality in Horry County that has a Tourism Development Fee to set aside up to 50% of the allocation of accommodation

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tax returned to them under Section 6-4-10(3) [ALLOCATION TO GENERAL FUND; SPECIAL FUND FOR TOURISM; MANAGEMENT AND USE OF SPECIAL FUND] and to use those funds for direct tourism related policing purposes; define direct policing; require expenditures and revenue sources to be included in each municipality's annual report to the Tourism Expenditure Review Committee; and require copies of the report to be submitted to the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

109.11. (DOR: Tourist Safety) Of the accommodation tax returned to any municipality in Horry County that has a Tourism Development Fee, up to fifty percent of the allocation designated under Section 6-4-10(3) of the 1976 Code may be set aside and used for direct policing purposes related to tourism. Direct policing purposes include temporary personnel, equipment, and the installation and maintenance of infrastructure related thereto. These funds may not exceed sixty-five percent of the total new funds dedicated to the additional policing purposes implemented. Each municipality utilizing this provision shall include expenditures and revenue sources in its annual report to the Tourism Expenditure Review Committee and shall submit copies of the report to the Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

SECTION 117 - X900 - GENERAL PROVISIONS

117.94 AMEND (Victims Assistance Transfer) Requires the Department of Corrections to transfer \$20,500 monthly to DPS for distribution through the State Victim Assistance Program.

WMC: AMEND proviso to replace "Department of Public Safety" with "Office of Attorney General." *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office.*

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.94. (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the ~~Department of Public Safety~~ Office of Attorney General for distribution through the State Victims Assistance Program.

117.104 DELETE (Donation of Alcoholic Liquors) Allows a wholesaler to donate beer, wine, and alcoholic liquors to a nonprofit organization that has a license to serve alcohol if the event hosted by the nonprofit creates an economic impact on State revenues.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Donation of alcohol was addressed in Act 44 of 2017. Requested by Department of Revenue.*

~~**117.104.** (GP: Donation of Alcoholic Liquors) In the current fiscal year, a wholesaler may donate beer, wine, and alcoholic liquors to a nonprofit organization that has a license, including a temporary license, to serve the applicable beverage. This provision only applies if the event hosted by the nonprofit organization creates an economic impact on State revenues.~~

117.124 AMEND (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 provided DOR written notification of election of mode of credit before 7/1/16 and for which a building permit was issued prior to 7/1/16.

WMC: AMEND proviso update fiscal year reference from "2017-18" to "2018-19." Fiscal Impact: RFAO states there will be no expenditure impact to the General Fund, Federal Funds, or Other Funds from this provision.

HOU: ADOPT proviso as amended.

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SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.124. (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 ~~2017-18~~ 2018-19.

117.136 DELETE (Indigent Defense Screening Review) Directs 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. Directs 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.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**117.136.** (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.~~

117.144 DELETE NEW PROVISO (Immigration Unit Transfer to SLED) **WMC:** ADD new proviso to transfer the duties, functions, responsibilities, personnel, funding, and physical assets of the Illegal Immigration Unit from DPS to SLED for the current fiscal year effective July 1, 2018.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*117.144. (GP: Immigration Unit Transfer to SLED) For the current fiscal year, effective July 1, 2018, the duties, functions, responsibilities, personnel, funding, and physical assets of the Illegal Immigration Unit are transferred from the Department of Public Safety to the State Law Enforcement Division.*~~

117.150 DELETE NEW PROVISO (Cremation/Burial-Removal-Transit Permits) **HOU:** ADD new proviso to prohibit a coroner or medical examiner from assessing application fees for cremation permits and/or burial-removal-transit permits. Sponsors: Rep. King.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*117.150. (GP: Cremation/Burial-Removal-Transit Permits) For the current fiscal year, applications for cremation permits and/or Burial-Removal-Transit Permits must not be assessed a fee by the coroner or medical examiner.*~~

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117.pel ADD (PORS Earnings Limitation Exemption) **SUBCOMMITTEE RECOMMENDATION:**
ADD new proviso to direct that PORS members that retired before 1/1/18 and return to work as a school resource officer or Criminal Justice Academy instructor may draw full service retirement benefits without being subject to the earnings limitation of \$10,000 annually. Fiscal Impact: GRS, the State's actuary, reports no fiscal impact to PORS.

117.pel.(GP: PORS Earnings Limitation Exemption) For the current fiscal year, Police Officer Retirement System (PORS) members that are retired as of January 1, 2018 and employed as a school resource officer or Criminal Justice Academy instructor shall be retired for benefit purposes only and, for employment purposes, shall be active employees, retaining all other rights and benefits of active employees except for grievance rights pursuant to Section 8-17-37 of the 1976 Code, and shall not be subject to the earnings limitation of Section 9-11-90(4)(a).

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