

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2019-20**

SECTION 57 - B040 - JUDICIAL DEPARTMENT

- 57.3 DELETE** (Commitments to Treatment Facilities) Directs that funding related to commitments, admissions, and discharges to mental health facilities or alcohol and drug abuse facilities be expended for compensation of court appointed private examiners, guardians ad litem, and patients' attorneys and other related costs. Directs that the examiners, guardians, and attorneys be paid at rates determined by the Association of Probate Judges, State Court Administrator and DMH with the approval of the Attorney General with any changes in the rate schedule to be reported to the Senate Finance and House Ways and Means Committees prior to implementation. **WMC:** DELETE proviso. Requested by the Judicial Department. *Moved to Department of Mental Health. See new Proviso 35.9.*
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

57.3. (JUD: Commitments to Treatment Facilities) ~~The appropriation for continued implementation of Article 7, Chapter 17, Title 44 of the 1976 Code, Chapter 24, Title 44 of the 1976 Code, and Chapter 52, Title 44 of the 1976 Code, relating to commitments, admissions and discharges to mental health facilities, or treatment facility for the purpose of alcohol and drug abuse treatment, shall be expended for the compensation of court appointed private examiners, guardians ad litem, and attorneys for proposed patients, and related costs arising from the filing, service and copying of legal papers and the transcription of hearings or testimony. Court appointed private examiners, guardians ad litem and attorneys shall be paid at such rates or schedules as are jointly determined to be reasonable by the South Carolina Association of Probate Judges, the State Court Administrator, and the South Carolina Department of Mental Health with the approval of the Attorney General. The Judicial Department shall notify the Senate Finance Committee and the House Ways and Means Committee of any fee adjustment or change in schedule before implementation.~~

- 57.4 DELETE** (Judicial Commitment) Prohibits funds appropriated for Judicial Commitment from compensating state agencies or state employees who are appointed as examiners, guardians ad litem, or attorneys.
WMC: DELETE proviso. Requested by the Judicial Department. *Moved to Department of Mental Health. See new Proviso 35.10.*
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

57.4. (JUD: Judicial Commitment) ~~Except as otherwise provided in Section 117.5, no money appropriated pursuant to Item VI, Judicial Commitment shall be used to compensate any state employees appointed by the court as examiners, guardians ad litem, or attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.~~

SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

- 62.23 CONFORM TO FUNDING / AMEND** (First Responder PTSD Treatment) Directs SLED to distribute funds to the SC Law Enforcement Assistance Program and the SC State Firefighters Association to reimburse law enforcement officers, firefighters and EMTs for out-of-pocket

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expenses associated with mental injury not covered through worker's compensation claims or insurance.

SUBCOMMITTEE RECOMMENDATION: CONFORM TO FUNDING / AMEND proviso to direct SLED to use \$500,000 of its existing funds for First Responder PTSD Treatment.

62.23. (SLED: First Responder PTSD Treatment) From the funds provided ~~for First Responder PTSD Treatment to the department, \$500,000 shall be used for First Responder PTSD Treatment.~~ The State Law Enforcement Division shall distribute fifty percent to the South Carolina Law Enforcement Assistance Program to reimburse law enforcement officers who incur mental injury as a result of a critical incident during the scope of employment for actual out-of-pocket expenses not covered through worker's compensation claims and/or other insurance and can also be utilized to provide services through the South Carolina Law Enforcement Assistance Program. The State Law Enforcement Division shall distribute fifty percent to the South Carolina State Firefighters Association for the South Carolina Firefighter Assistance Support Team to reimburse firefighters and emergency medical technicians who incur mental injury as a result of a critical incident during the scope of employment for actual out-of-pocket expenses not covered through worker's compensation claims and/or other insurance and can also be utilized to provide services through the South Carolina Firefighter Assistance Support Team. The State Law Enforcement Division shall promulgate any administrative regulations necessary to carry out the provisions of this section.

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

63.7 **DELETE NEW PROVISO** (Overtime Pay) **WMC:** ADD new proviso to require DPS to pay current non-exempt law enforcement officers by October 1st for any compensatory time earned and not used in the prior fiscal year. Direct funds be provided from available personal services, appropriated overtime funds and/or employer contributions funds carried forward from the prior fiscal year. Direct that if carried forward funds are insufficient, DPS pay the officers on a percentage distribution based on hours owed per officer up to the total amount that DPS has carried forward.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*63.7. (DPS: Overtime Pay) For Fiscal Year 2019-20, the department is authorized and required to pay current non exempt law enforcement officers by October 1st 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, appropriated overtime funding, 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 department shall pay the officers on a percentage distribution based on the hours owed per officer up to the total amount that the department has carried forward.*~~

SECTION 64 - N200 - LAW ENFORCEMENT TRAINING COUNCIL

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

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WMC: DELETE proviso. Requested by South Carolina Law Enforcement Training Council.
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of 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 66 - N080 - DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

66.6 **AMEND** (Public Service Employment Set-Up Fee) Authorizes DPPP to charge a \$25 fee for offenders ordered to public service employment. Directs the department to report to the Chairmen of the Senate Finance and House Ways and Means Committees on the number of offenders assessed the fee and funds collected.

WMC: AMEND proviso to delete reporting directive.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

66.6. (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five dollar Public Service Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process. ~~The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the number of offenders who were assessed the set up fee and the amount of funds collected.~~

SECTION 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE

67.op **CONFORM TO FUNDING / ADD** (Overtime Pay) **SUBCOMMITTEE RECOMMENDATION:** CONFORM to funding recommendation / ADD new proviso to require DJJ to pay current non-exempt correctional officers by October 1st for any overtime earned in the prior fiscal year. Direct funds be provided from appropriated overtime funds. Direct that if appropriated overtime funds are insufficient, DJJ pay the officers on a percentage distribution based on hours owed per officer up to the total amount that has been appropriated.

67.op. (DJJ: Overtime Pay) For Fiscal Year 2019-20, the department is authorized and required to pay current non-exempt correctional officers by October 1st for any overtime earned in the prior fiscal year. The funds for this compensation must be provided from appropriated overtime funding. If the amount of appropriated funds is not sufficient to pay all the non-exempt correctional officers accrued overtime, the agency shall pay the officers on a percentage distribution based on the hours owed per officer up to the total amount that has been appropriated.

67.ra **ADD** (Raise the Age) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct DJJ to use carry forward funds to implement Act 268 of 2016 [JUVENILE JUSTICE AGE DEFINITION] by contracting with local child-serving non-profit organizations and Judicial Circuit

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Solicitor's offices for community-based diversion and intervention services. Direct DJJ to give preference to multi-agency and organization collaborations that utilize best practices.

67.ra. (DJJ: Raise the Age) The department must use carry forward funds to implement Act 268 of 2016 by contracting in the current fiscal year with local child-serving non-profit organizations and Judicial Circuit Solicitor's offices for community-based diversion and intervention services. The department shall give preference to multi-agency and organizational collaborations that include stakeholders from the Family Court, Department of Education, Public Defenders' Offices, the Department of Mental Health, the Department of Social Services, and community based non-profits that utilize best practices.

SECTION 109 - R440 - DEPARTMENT OF REVENUE

109.13 DELETE NEW PROVISO (Food Manufacturing Equipment) **WMC:** ADD new proviso to exempt sales and use taxes for clothing and other garments required by Current Good Manufacturing Practices pursuant to Code of Federal Regulations Tittle 21, Section 111.10 [FOOD AND DRUGS-WHAT REQUIREMENTS APPLY FOR PREVENTING MICROBIAL CONTAMINATION FROM SICK OR INFECTED PERSONNEL AND FOR HYGIENIC PRACTICES] at perishable prepared food manufacturing facilities defined by the North American Industry Classification System and Section 110.11 [PERSONNEL] for persons working in direct contact to protect against contamination of food at such facilities.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*109.13. (DOR: Food Manufacturing Equipment) Clothing required by Current Good Manufacturing Practices pursuant to 21 C.F.R. Section 111.10, as it may be amended, at perishable prepared food manufacturing facilities defined by the North American Industry Classification System 311991 to prevent health hazards, including outer garments, gloves of an impermeable material, hairnets, headbands, beard covers, caps, hair covers or other effective hair restraints, and other attire required pursuant to 21 C.F.R. Section 110.10 for persons working in direct contact with food, food contact services, and food packaging materials to protect against contamination of food in perishable prepared food manufacturing facilities shall be exempt from all sales and use taxes.*~~

SECTION 117 - X900 - GENERAL PROVISIONS

117.62 AMEND (Prosecutors and Defenders Public Service Incentive Program) Directs the Attorney General's Office, the Prosecution Coordination Commission, and the Commission on Indigent Defense, in consultation with the S.C. Student Loan Corporation and CHE, to develop and implement a Prosecutors and Defenders Public Service Incentive Program for attorneys employed by the Attorney General's Office, the Prosecution Coordination Commission, the Commission on Indigent Defense, a Circuit Solicitor's Office or a county Public Defender's Office. Provides program guidelines and reporting requirements.

WMC: AMEND proviso to replace "Prosecution Coordination Commission" with "Commission on Prosecution Coordination." Delete requirement to consult with S.C. Student Loan Corporation and CHE. Replace "county" with "Circuit" Public Defender's Office. Update reporting deadline from "September" to "April."

HOU: ADOPT proviso as amended.

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SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.62. (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the ~~Prosecution Coordination Commission~~ Commission on Prosecution Coordination, and the Commission on Indigent Defense, ~~in consultation with the South Carolina Student Loan Corporation and the Commission on Higher Education~~, shall develop and implement a Prosecutors and Defenders Public Service Incentive Program for attorneys employed by the Office of Attorney General, the ~~Prosecution Coordination Commission~~ Commission on Prosecution Coordination, the Commission on Indigent Defense, a Circuit Solicitor's Office or a ~~county~~ Circuit Public Defender's Office.

After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such reimbursements shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year shall not exceed the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the program may continue until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000 per qualifying attorney. Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

The Prosecutors and Defenders Public Service Incentive Program must be administered by the ~~South Carolina Student Loan Corporation~~ Commission on Prosecution Coordination, which shall pay for the cost of administration within the funds appropriated.

The Office of Attorney General, the ~~Prosecution Coordination Commission~~ Commission on Prosecution Coordination, and the Commission on Indigent Defense shall each compile a report that includes, but is not limited to, the number of applicants and the impact of the program on attracting and retaining attorneys. The ~~Student Loan Corporation~~ Commission on Prosecution Coordination shall also compile a report that includes, but is not limited to, the cost of administering the program as well as the amount of reimbursements per agency or entity. Such reports shall be submitted to the Senate Finance Committee and the House Ways and Means Committee by ~~September~~ April first each fiscal year.

Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same purpose.

117.160 DELETE NEW PROVISO (Food Preparation and Service) **HOU:** ADD new proviso to direct the Department of Revenue to consider an establishment as engaged primarily and substantially in the preparation and serving of meals if it meets all criteria required by law and generates at least 15% of its revenue from the sale of food. Sponsors: Reps. Rutherford and Finlay.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*117.160.(GP: Food Preparation and Service) In the current fiscal year and from the funds appropriated or authorized to the Department of Revenue, the department shall consider an establishment as a business that is bona fide engaged primarily and substantially in the preparation and serving of meals if the establishment meets all criteria required by law and generates at least 15% of its revenue from the sale of food.*~~