

**PROVISO SUBCOMMITTEE  
CRIMINAL JUSTICE  
RECOMMENDATIONS FOR FY 2020-21  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**SECTION 47 - P240 - DEPARTMENT OF NATURAL RESOURCES**

**47.wip** **ADD** (Waterfowl Impoundments Projects) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso that provides guidelines for the department to enter into agreements with qualified not for profit entities that have received NAWCA funds for waterfowl impoundments on land owned by the department or by the state. Directs that the entity is considered a sole source provider under Section 11-35-1560 [SOLE SOURCE PROCUREMENT; PUBLIC NOTICE]. Directs that the department must have an agency representative present to view the opening of bids.

*47.wip. (DNR: Waterfowl Impoundments Projects) The Department of Natural Resources, when procuring goods and services for the planning, development, construction, improvement and/or maintenance of waterfowl impoundments on land owned by the department or owned by the state and managed by the department, may enter into agreements with a qualified not for profit entity that has received North American Wetlands Conservation Act (NAWCA) funds for a project and specializes in waterfowl impoundment development, and that entity is considered a sole source provider under the provisions of Section 11-35-1560 of the 1976 Code. The department shall be required to have a representative of the agency present to view the opening of bids associated with this provision.*

**SECTION 53 - P400 - S.C. CONSERVATION BANK**

**53.tp** **ADD** (Trust Program Carry Forward) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Conservation Bank to carry forward unexpended funds allocated to the Conservation Bank Trust Program.

*53.tp. (CB: Trust Program Carry Forward) The Conservation Bank may carry forward any unexpended funds allocated to the Conservation Bank Trust Program from the prior fiscal year into the current fiscal year to be used for the same purpose.*

**SECTION 60 - E210 - PROSECUTION COORDINATION COMMISSION**

**60.4** **AMEND** (~~Solicitor~~ Carry Forward) Authorizes the solicitor's office to carry forward any unexpended funds to be used for solicitor's office operating expenses.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to also allow the funds to be used for Commission on Prosecution Coordination operating expenses.

**60.4.** (PCC: ~~Solicitor~~ Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, may be carried forward into the current fiscal year and expended for the operation of the ~~solicitor's office~~ Commission on Prosecution Coordination or the Offices of Solicitor relating to operational expenses.

**60.11** **CONFORM TO FUNDING / AMEND** (Caseload Equalization Funding) Directs that the first \$3,450,000 of caseload equalization funds be distributed \$75,000 per county and the remaining \$4,376,872 be distributed based on the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / AMEND proviso to direct that after the first \$3,450,000 is distributed per county, the next

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\$2,496,000 shall be distributed at \$156,000 per circuit. Direct that additional amounts appropriated in the current fiscal year shall be distributed with the first \$192,000 distributed at \$6,000 per circuit and remaining funds based on the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

**60.11.** (PCC: Caseload Equalization Funding) The amount appropriated in this Act and authorized for Caseload Equalization will have the first \$3,450,000 distributed at an amount of \$75,000 per county and the next \$2,496,000 distributed at an amount of \$156,000 per circuit. The remaining \$4,376,872 shall be distributed based upon the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years. Additional amounts appropriated in the current fiscal year shall be distributed as follows: the first \$192,000 at an amount of \$6,000 per circuit and remaining funds based upon the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

**60.12** **AMEND** (Summary Court Domestic Violence Fund Distribution) Directs that Summary Court Domestic Violence Prosecution funds be distributed based upon 10% of the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years. **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to direct that funding shall be based on the average incoming caseload instead of 10%.

**60.12.** (PCC: Summary Court Domestic Violence Fund Distribution) The Summary Court Domestic Violence Prosecution funding shall be distributed based ~~upon ten percent of~~ on the average incoming caseload for each county as reported by the South Carolina Judicial Department for the prior 3 fiscal years.

**60.pt** **ADD** (Pass Through Funding Budget Reduction Exemption) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that funds distributed to the South Carolina Center for Fathers and Families shall not be considered a part of the commission's budget for purposes of calculating budget reductions.

**60.pt.** (PCC: Pass Through Funding Budget Reduction Exemption) The funds distributed by the Commission on Prosecution Coordination that are appropriated for the South Carolina Center for Fathers and Families or other community program, and not for the Offices of Solicitor, shall not be considered part of the commission's budget for purposes of calculating budget reductions.

**60.tf** **CONFORM TO FUNDING / ADD** (Solicitor Technology Funding Distribution) **PROVISO SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / ADD new proviso to direct that funds appropriated and authorized for the Circuit Solicitor Prosecution Case Management Systems and IT Infrastructure shall be divided in equal amounts among the circuits. Require funding distributions be requested by the circuit solicitor and approved by the commission and direct that funds be distributed first for acquiring and implementing a web-based prosecution case management system. Authorize unexpended funds to be carried forward used for the same purpose.

**60.tf.** (PCC: Solicitor Technology Funding Distribution) The amount appropriated in this Act and authorized for the Circuit Solicitor Prosecution Case Management Systems & IT Infrastructure shall be apportioned in equal amounts among the circuits. Funding distributions for expenses related to Prosecution Case Management Systems and IT Infrastructure in each

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circuit shall be requested by the circuit solicitor and approved by the Commission on Prosecution Coordination. Funding allocated for each circuit must first be distributed for the acquisition and implementation of a web-based prosecution case management system. The system must be capable of interfacing with other web-based platforms and satisfy other requirements as may be established by the commission. Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same purpose.

**SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE**

- 61.11 AMEND** (Capital Case Contract Attorneys) Directs that funds appropriated from the Death Penalty Trial Fund may be used to retain the services of attorneys qualified in capital proceedings. Directs the commission to establish policies and procedures for system implementation. **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to allow funds to be used to contract for services of other professionals to assist attorneys in providing representation.

**61.11.** (INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding.

The commission may use these funds to retain, on a contractual basis, the services of other professionals to assist court appointed attorneys to provide effective representation in the above capital proceedings.

The commission shall establish all policies, procedures and contract provisions as it deems appropriate for the implementation of the system, including but not limited to the selection and compensation of contract awardees.

- 61.cjwp CONFORM TO FUNDING / ADD** (Criminal Justice System Workload Parity) **PROVISO SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / ADD proviso to provide for the distribution of Criminal Justice System Workload Parity funds.

**61.cjwp.** (INDEF: Criminal Justice System Workload Parity) The amount appropriated in this Act and authorized for Criminal Justice System Workload Parity shall be distributed as follows: the first \$2,400,000 distributed at the amount of \$150,000 per circuit for two Public Defenders; \$2,400,000 distributed at the amount of \$150,000 per circuit for two Bond Court Attorneys; \$800,000 distributed at the amount of \$50,000 per circuit for one Administrative Assistant; and \$1,200,000 distributed at \$75,000 per circuit for one Investigator. The remaining \$1,000,000 shall be distributed on a per-capita basis, for the purpose of retaining experienced and talented public defenders and staff.

**SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY**

- 63.7 AMEND** (Overtime Pay) Requires DPS to pay current non-exempt law enforcement officers by October 1<sup>st</sup> for any compensatory time earned and not used in the prior fiscal year. Directs funds be provided from available personal services, appropriated overtime funds and/or employer contributions funds carried forward from the prior fiscal year. Directs 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.

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**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to “2020-21.”

**63.7.** (DPS: Overtime Pay) For Fiscal Year ~~2019-20~~ 2020-21, 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.

**63.hof** **ADD** (SC Law Enforcement Officers Hall of Fame) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD proviso to authorize DPS to receive, accept, and disburse funds for the purpose of carrying out the objectives and programs of the SC Law Enforcement Officers Hall of Fame. Authorize these funds to be expended, retained, and carried forward. Direct that funds received for scholarships shall not be used for any other purpose.

*63.hof. (SC Law Enforcement Officers Hall of Fame) The Department of Public Safety shall be authorized to receive, accept, and disburse funds and grants, including any donations, contributions, funds, or gifts from private individuals, foundations, agencies, corporations or the state or federal government, for the purpose of carrying out the programs and objectives of the SC Law Enforcement Officers Hall of Fame. These funds may be expended, retained and carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose. Funds received and designated for scholarships shall not be used for any other purpose.*

**SECTION 117 - X900 - GENERAL PROVISIONS**

**117.137** **DELETE** (Georgetown County Boat Ramps) Directs DOT to transfer remaining funds appropriated for the Sandy Island Boat Ramp in Act 101 of 2013 to DNR. Directs DNR to credit the transfer to the Water Recreation Resource fund for use in Georgetown County.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

~~**117.137.** (GP: Georgetown County Boat Ramps) The Department of Transportation shall transfer the remaining funds appropriated for the Sandy Island Boat Ramp in Proviso 118.17 (B), item 43(f), Act 101 of 2013 to the Department of Natural Resources. The Department of Natural Resources shall credit the transfer to the Water Recreation Resource fund for use in Georgetown County and the transfer amount is not to be considered part of the annual allocation formula for Water Recreation Resource funds.~~