

Law Enforcement and Criminal Justice Subcommittee Meeting

Tuesday, July 24, 2018

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AGENDA

**South Carolina
House of Representatives**



Legislative Oversight Committee

LAW ENFORCEMENT AND CRIMINAL JUSTICE SUBCOMMITTEE

Chairman Edward R. Tallon Sr.

The Honorable Katherine E. (Katie) Arrington

The Honorable William M. (Bill) Hixon

The Honorable Jeffrey E. (Jeff) Johnson

Tuesday, July 24, 2018

11:00am

Room 511 - Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AGENDA

- I. Approval of Meeting Minutes**
- II. Discussion of the study of the Commission on Prosecution Coordination**
- III. Adjournment**

MEETING MINUTES

Chair Wm. Weston J. Newton

First Vice-Chair:
Laurie Slade Funderburk

Legislative Oversight Committee



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William K. (Bill) Bowers
Neal A. Collins
MaryGail K. Douglas
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Jeffrey E. (Jeff) Johnson
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Law Enforcement and Criminal Justice Subcommittee

Monday, June 18, 2018

11:00 am

Blatt Room 511

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Law Enforcement and Criminal Justice Subcommittee meeting was called to order by Subcommittee Chairman Edward R. Tallon, Sr., on Monday, June 18, 2018, in Room 511 of the Blatt Building. All members of the Subcommittee, except Representative Katie Arrington, were present for either all or a portion of the meeting.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Hixon makes a motion to approve the meeting minutes from the prior Subcommittee meeting.

Rep. Hixon's motion to approve the minutes from the May 1, 2018, meeting:	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

Discussion of the Commission on Prosecution Coordination

- I. Chairman Tallon explains the purpose of the meeting today is for agency representatives to provide an overview of the agency as a whole, and details about services and products the agency provides; the agency's strategic plan, resource allocation, and associated performance measures; other performance measures tracked by the agency; and agency recommendations for internal and law changes.
- II. Chairman Tallon swears in the following individuals from the agency:
 - a. Solicitor Isaac McDuffie (Duffie) Stone, III, Chair of the Commission;
 - b. Ms. Amie L. Clifford, Education Coordinator/Senior Staff Attorney;
 - c. Ms. Tina Thompson, Administrative Assistant;
 - d. Mr. N. Mark Rapoport, Staff Attorney; and
 - e. Mr. W. Mattison Gamble, Traffic Safety Resource Prosecution Attorney.
- III. Ms. Clifford provides information about the
- IV. Solicitor Stone, Chair of the Commission, provides remarks. Members ask questions, which Solicitor Stone answers, related to the following topics:
 - a. Caseloads, including how the term "case" is defined, and items which impact the number of cases;
 - b. S.C. Solicitor's Association and other limited liability companies or non-profits operating in individual judicial circuits;

- c. Findings of General Assembly when the agency was created, including:
 - i. Tracking and decreasing backlogs of cases; and
 - ii. Examples of uniformity in prosecution created by the agency;
- d. Legal directives including:
 - i. Solicitors determining the trial docket and recent S.C. Supreme Court decision in State v. Langford which held the statute is unconstitutional; and
 - ii. Solicitors annually conducting an examination of the offices of the clerk of the court, sheriff, and register of deeds to determine if those officers are performing their duties under the law (S.C. Code Ann. Section 1-7-730);
- e. Issues around law enforcement entities' production of evidence to solicitors' offices; and
- f. Law enforcement officers prosecuting driving under the influence cases in magistrate courts.

V. Ms. Clifford provides information about the following:

- a. Agency's creation, mission, and vision;
- b. Agency's governing body;
- c. Agency staff;
- d. Duties of the agency;
- e. Details about the following duties:
 - i. Coordination of administrative functions of the solicitors' offices;
 - ii. Administrative functions of the agency; and
 - iii. Continuing education.

Members ask questions related to the topics, which Ms. Clifford answers.

VI. Subcommittee members make various motions during the meeting, which are listed on the next page. A roll call vote is held for these motions, and, among the members present, the motions pass unanimously.

Rep. Johnson's motion that the Subcommittee Study include a recommendation that the General Assembly revise S.C. Code Ann. Section 1-7-330 in light of the S.C. Supreme Court ruling in State v. Langford:	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

Rep. Johnson's motion that the Subcommittee Study include a recommendation that the General Assembly revise S.C. Code Ann. Section 1-7-990 to give the commission statutory authority to create an enforcement mechanism to ensure compliance with the policies and procedures it promulgates in regulations:	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

Rep. Johnson's motion that the Subcommittee Study include a recommendation that the General Assembly consider eliminating S.C. Code Ann. Section 1-7-730 or revise it to include an enforcement mechanism to require compliance with the statute:	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

VII. There being no further business, the meeting is adjourned.

STUDY TIMELINE

The House Legislative Oversight Committee's (Committee) process for studying the Commission on Prosecution Coordination (SCCPC, Commission, Prosecution Coordination, or agency) includes actions by the full Committee; Executive Subcommittee (Subcommittee); the agency; and the public. Key dates and actions are listed below in Figure 2.

Legislative Oversight Committee Actions

- December 19, 2017 - Prioritizes the agency for study
- January 12, 2018 - Provides the agency notice about the oversight process
- January 23 - March 1, 2018 - Solicits input about the agency in the form of an online public survey
- April 26, 2018 - Holds **Meeting #1** to obtain **public input** about the agency

Executive Subcommittee Actions

- June 18, 2018 - Holds **Meeting #2** to discuss an **overview of the agency** and the agency's **deliverables and strategic plan**
- July 24, 2018 - (TODAY) Holds **Meeting #3** to discuss agency finances and continue discussion of the agency's **deliverables and strategic plan**

Commission on Prosecution Coordination Actions

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- January 11, 2016 - Submits its **2016 Annual Restructuring Report**
- September 2016 - Submits its **2015-16 Accountability Report**
- September 2017 - Submits its **2016-17 Accountability Report**
- April 6, 2018 - Submits its **Program Evaluation Report**
- June, 2018 - **TBD** - Responds to Subcommittee's inquiries

Public's Actions

- January 23 - March 1, 2018 - Provides input about the agency via an **online public survey**
- April 26, 2018 - Provides testimony about the agency
- Ongoing - Submits written comments on the Committee's webpage on the General Assembly's website (www.scstatehouse.gov)\

Figure 1. Key dates in the study process (December 2017 - present).

AGENCY SNAPSHOT

Prosecution Coordination Commission

Major Agency Positions

Executive Director

Oversees overall management of agency; coordinates and develops agency activities; monitors legislation and provides input as needed; and works with Solicitors.

Pre-trial Intervention and Grants Coordinator

Coordinates the activities of Circuit Solicitor Diversion programs and ensures grant and legislative reports are completed in a timely manner.

Traffic Safety Resource Prosecutor

Acts as resource on, and conducts training for, prosecutors for traffic-related criminal cases, pursuant to a grant from the National Highway Traffic Safety Administration.

Education Coordinator / Senior Staff Attorney

Develops and conducts trainings for Solicitors' staff; prepares legal updates; and assists prosecutors.

Staff Attorney

Assists in providing trainings for Solicitors' staff, preparing legal updates, and providing assistance to prosecutors.

Administrative Assistants

Performs human resources functions and assists Executive Director in preparation of budget and financial management of agency. Prepares correspondence, organizes files, maintains records, and performs other administrative duties for Executive Director and staff.

FY 17-18 Resources

Employees
Available FTE: 7*
*not including one Solicitor and administrative assistant/circuit

Filled FTE: 6

Funding
\$36.79 million
appropriated and authorized

CHALLENGES

As identified by the agency

- Addressing ability to provide reports, trends, and performance measures without a centralized data system in which solicitors from all circuits enter information.
- Assisting solicitors' offices with processing and turning over discovery in a timely manner without sufficient data storage for large body camera files.
- Raising additional funding from counties to eliminate the large disparity in funding of solicitors' offices across the 46 counties.

SUCCESSES

As identified by the agency

- Increasing the quality and quantity of training, resources, and technical assistance available to prosecutors.
- Receiving increased funding based on an analysis of the number of incoming cases compared to the number of prosecutors (caseload equalization)
- Updating procedures and resources to improve the prosecution of domestic violence cases, including efforts to have all domestic violence cases prosecuted by attorney prosecutors rather than law enforcement officers.

Figure 2. Snapshot of the major agency positions, fiscal year 2017-18 resources (employees and funding), successes, and challenges.¹

JUDICIAL CIRCUITS MAP



Figure 3. Map of judicial circuits.²

OVERVIEW OF AGENCY

Legal Directives

Basis for creating the agency

The General Assembly stated the following when **creating the SCCPC** in 1990:

- The importation, sale, and use of dangerous narcotic substances in South Carolina has reached epidemic levels; and
- This epidemic has resulted in an **explosion in drug-related crimes**, many of which are violent in nature; and
- On January 1, 1990, there was a record **backlog of** forty-two thousand five hundred seventy-seven **criminal cases** in General Sessions and Family Courts; and
- There is a **need to provide uniform and efficient administration of justice through the prosecution of criminal cases** in South Carolina. (emphasis added)³

To address these issues, the General Assembly directed the SCCPC, “to coordinate all activities involving the prosecution of criminal cases in this State.”⁴ Other specified duties of the SCCPC include⁵:

- (1) coordinate all administrative functions of the solicitors' offices and any affiliate services;
- (2) submit the budgets of the solicitors and their affiliate services to the General Assembly;
- (3) encourage and develop legal education programs and training programs for solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, act as a clearinghouse and distribution source for publications involving solicitors and their affiliate services, and provide legal updates on matters of law affecting prosecution of criminal cases; and
- (4) provide blank indictments for the Solicitors.

Unlike the S.C. Commission on Indigent Defense and circuit public defenders, the General Assembly did not specifically state in statute that the SCCPC has authority to require any information, set any policies or procedures, or take any other type of action to ensure solicitors are complying with their legal duties or to “provid[ing] uniform and efficient administration of justice.”⁶ However, the General Assembly did authorize the agency to promulgate any regulations necessary to assist it in performing its duties, which include “coordinat[ing] all activities involving the prosecution of criminal cases.”⁷

While the Commission has not promulgated any regulations, it has adopted policies and standards for the solicitors' operation of pre-trial diversion programs. The **SCCPC believes it could promulgate regulations which require solicitors to provide specific information or follow certain policies related to other aspects of prosecution, but asserts it is unclear whether the agency has statutory authority to create an enforcement mechanism to ensure compliance with the policies, procedures, or regulations.**⁸

Roles of SCCPC v. Solicitors

The State Constitution provides the “**Attorney General shall be the chief prosecuting officer** of the State with authority to supervise the prosecution of all criminal cases in courts of record” and each judicial circuit will have a solicitor elected by the public, and the **General Assembly shall provide in law the duties of the circuit solicitors**.⁹ The General Assembly states solicitors are to perform the duty of the Attorney General, which is to “supervise the prosecution of all criminal cases in courts of record,” and assist the Attorney General, or each other, in all prosecution on behalf of the state when directed by the Governor or called upon by the Attorney General.¹⁰

Thus, the General Assembly has tasked the SCCPC with “**coordinat[ing]** all activities involving the prosecution of criminal cases,” providing specific examples of the activities to coordinate, and has tasked solicitors with “**supervis[ing]** the prosecution of all criminal cases in courts of record.”¹¹

It is important to note this differs from public defenders who are not elected by the public and are instructed by the General Assembly to follow the policies and procedures of the S.C. Commission on Indigent Defense, which include, but are not limited to, setting standards for performance.¹²

The General Assembly noted there was a backlog of criminal cases when creating the SCCPC. While the General Assembly provides that individual solicitors have exclusive authority to determine the order in which cases are called for trial, in 2012 the Supreme Court of South Carolina declared the statute unconstitutional and placed control of the docket with the judiciary.¹³ The General Assembly also requires the Attorney General and Solicitors to conduct annual examinations of the offices of the clerk of the court, sheriff, and register of deeds in each county, to determine if those officers are performing their duties under the law, and make a report to the General Assembly, as it has since 1837.¹⁴

Specific duties of SCCPC and finances

In the past, the General Assembly has gone back and forth as to whether the SCCPC should keep details on expenditures and revenues. From 1979 through 2005 solicitors were required by statute to provide a report on expenditures.¹⁵ From 2005 to 2016, there was no requirement for solicitors to report their expenditures. Since fiscal year 2015-16, the General Assembly has enacted a proviso annually which requires the SCCPC to obtain detailed expenditure reports and associated revenue streams for each solicitor.¹⁶

The SCCPC has other general and specific duties in law. The agency has interpreted these legal duties to require numerous deliverables, which are included in detail in later sections of this packet.

Mission and Vision

The agency provides S.C. Code Ann. Section 1-7-940 as the basis for its mission and vision.¹⁷ It also provides Rule 3.8, Comment 1, S.C. Rules of Professional Conduct (Rule 407, SCACR) as additional basis for its mission.¹⁸ The mission, vision, and supporting legal basis are below.

SCCPC's **mission** is to enhance the professionalism and effectiveness of South Carolina's Solicitors and their staff. We do this by providing legal education and publications, providing technical assistance, coordinating with other state, local, and federal agencies involved in the criminal justice system, providing administrative functions for the solicitors at the state level, as well as being a resource for the General Assembly on a range of issues.¹⁹

SCCPC's **vision** is to enhance the ability of South Carolina's state prosecutors to seek justice.²⁰

S.C. Code Ann. Section 1-7-940, which relates to SCCPC's duties, states the following:

(A) The commission has the following duties:

- (1) coordinate all administrative functions of the offices of the solicitors and any affiliate services operating in conjunction with the solicitors' offices;
- (2) submit the budgets of the solicitors and their affiliate services to the General Assembly;
- (3) encourage and develop legal education programs and training programs for solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and act as a clearinghouse and distribution source for publications involving solicitors and their affiliate services and provide legal updates on matters of law affecting the prosecution of cases in this State;
- (4) provide blank indictments for the circuit solicitors.

(B) Nothing in this section may be construed to displace or otherwise affect the functions and responsibilities of the State Victim/Witness Assistance Program as established in Section 16-3-1410.

Rule 3.8, Comment 1, S.C. Rules of Professional Conduct (Rule 407, SCACR), states:

A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence. Precisely how far the prosecutor is required to go in this direction is a matter of debate and varies in different jurisdictions. Many jurisdictions have adopted the ABA Standards of Criminal Justice Relating to the Prosecution Function, which in turn are the product of prolonged and careful deliberation by lawyers experienced in both criminal prosecution and defense. Applicable law may require other measures by the prosecutor and knowing disregard of those obligations or a systematic abuse of prosecutorial discretion could constitute a violation of Rule 8.4.

ORGANIZATION OF AGENCY

Figure 4 includes an organizational chart, current as of April 2018.

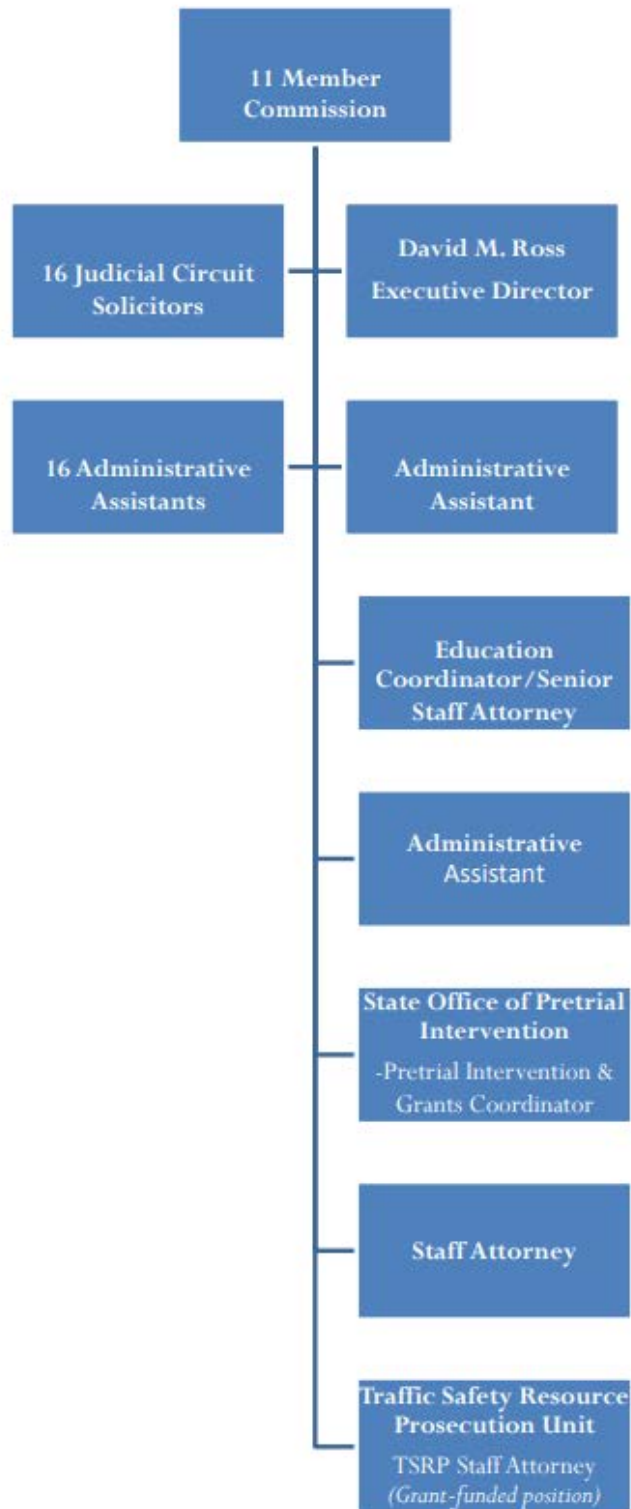


Figure 4. Agency Organizational Chart as of April 2018.²¹

OVERVIEW OF COURTS, VIOLATIONS, AND PROSECUTION PROCESS

Court types, cases heard in each, and who represents the prosecution and defense

Table 1 includes information on the different courts in South Carolina that address crimes, types of cases heard by each court and who represents the prosecution and defense in each court. Table 2 provides an overview of types of violations and courts in which they may be prosecuted. Below is a brief background, from the South Carolina Judicial Department, on each of the different courts, as well as the prosecution and defense.²²

Supreme Court

Who are the justices?

The Supreme Court is composed of a Chief Justice and four Associate Justices who are elected by the S.C. General Assembly for a term of ten years. The terms are staggered and a justice may be re-elected to any number of terms. (See Art. V, S.C. Constitution).

What cases do they hear?

The Supreme Court of South Carolina is the State's highest tribunal. The court has both original and appellate jurisdiction, but generally acts only in its appellate capacity. The Supreme Court renders decisions based on lower court transcripts, briefs, and oral arguments. In addition to hearing and deciding cases, the court also has rulemaking authority for the unified judicial system, including ethics regulations for judges and controlling admissions to and disciplining of the S.C. Bar.

Court of Appeals

Who are the judges?

The Court of Appeals consists of a Chief Judge and eight associate judges who are elected to staggered terms of six years each. The Court sits either as three panels of three judges each or as a whole, and it may hear oral arguments and motions in any county in the State.

What cases do they hear?

Most appeals from the Circuit Court and the Family Court will be heard by the Court of Appeals. Exceptions are when the appeal falls within any of the classes of appeals that the Supreme Court can hear directly from the circuit or family courts²³, or when the appeal is certified for determination by the Supreme Court.

Circuit Court

Who are the judges?

The state is divided into sixteen judicial circuits. Each circuit has at least one resident judge who maintains an office in the judge's home county within the circuit. Circuit judges serve the sixteen circuits, on a rotating basis, with court terms and assignments determined by the Chief Justice through Court Administration. Circuit Court judges are elected to staggered terms of six years.

What cases do they hear?

Directly under the Supreme Court and the Court of Appeals is the Circuit Court, the State's court of general jurisdiction. It has a civil court (the Court of **Common Pleas**) and a criminal court (the Court of **General Sessions**). In addition to its general trial jurisdiction, the Circuit Court has limited appellate jurisdiction over appeals from the Probate Court, and Summary Courts (Magistrate and Municipal Courts), as well as appeals from the Administrative Law Judge Division over matters relating to state administrative and regulatory agencies.

Family Court

Who are the judges?

At least two family court judges are elected for staggered six year terms to each of the sixteen judicial circuits, with 58 judges (including six at-large judges) who rotate primarily from county to county within their resident circuits. They are assigned to other circuits based upon caseload requirements as directed by the Chief Justice.

What cases do they hear?

The Family Courts have exclusive jurisdiction of all matters involving domestic or family relationships. They are the sole forum for the hearing of all cases concerning marriage, divorce, legal separation, custody, visitation rights, termination of parental rights, adoption, support, alimony, division of marital property, and change of name. These courts also generally have exclusive jurisdiction over minors under the age of seventeen. S.C. Code Ann. § 63-3-510 provides that the family court "shall have exclusive original jurisdiction and shall be the sole court for initiating action" concerning a child who "is alleged to have violated or attempted to violate any State or local law or municipal ordinance."

S.C. Code Ann. § 63-19-1210 provides that if, "during the pendency of a criminal or quasi-criminal charge . . . it is ascertained that the child was under the age of seventeen years at the time of committing the alleged offense, it is the duty of the circuit court immediately to transfer the case, together with all papers, documents, and testimony connected therewith, to the family court." Each summary court judge should contact the family court office in the judge's county and arrange with family court personnel such procedures as will expedite and insure the orderly transfer of juvenile cases to the family court.

Summary Courts

Magistrate (County) Court and Municipal (City/Town) Court, are the Summary Courts.

Magistrates Court

Who are the judges?

There are approximately 311 magistrates in South Carolina, each serving the county for which he or she is appointed. They are appointed by the Governor upon the advice and consent of the Senate for four year terms and until their successors are appointed and qualified. (Art. V, § 26, S.C. Const., and S.C. Code Ann. § 22-1-10). Anyone seeking an initial appointment as magistrate must pass an eligibility examination before

they can be recommended to the Governor by the senatorial delegation. S.C. Code Ann. § 22-2-5. Magistrates must also attend an orientation program, pass a certification examination within one year of their appointment, and attend a specified number of trials prior to conducting a trial.

What cases do they hear?

Magistrates have criminal trial jurisdiction over all offenses which are subject to the penalty of a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both.²⁴ Some traffic and criminal statutes grant the summary courts greater jurisdiction. These statutes will specify that the magistrate court can try cases with a higher penalty provision. Examples include, but are not limited to, domestic violence, third degree third offense driving under suspension; and forgery, no dollar amount involved.²⁵ In addition, magistrates may hear cases transferred from general sessions, the penalty for which does not exceed one year imprisonment or a fine of \$5,500, or both, upon petition by the solicitor and agreement by the defendant.²⁶ Magistrates are responsible for setting bail, conducting preliminary hearings, and issuing arrest and search warrants. Unlike circuit courts and probate courts, magistrate courts are not courts of record. Proceedings in magistrates' courts are summary.²⁷

Municipal Court

What is it?

The council of each municipality may establish, by ordinance, a **municipal court** to hear and determine all cases within its jurisdiction. Such courts are part of the unified judicial system. It should be noted, however, that a municipality may, upon prior agreement with county governing body, prosecute its cases in magistrate court, in lieu of establishing its own municipal court. In addition, the council may establish, by ordinance, a municipal court, and contract with the county governing authority for the services of a magistrate to serve as its municipal judge.

Approximately 200 municipalities in South Carolina have chosen to create municipal courts.

Who are the judges?

The term of a municipal judge is set by the council of the municipality, but cannot exceed four years. Municipal Judges appointed on or after May 24, 2004, must be appointed for a set term of not less than two years but not more than four years. All municipal judges, including ministerial recorders²⁸, are required to complete a training program or pass certification or recertification examinations, or both, within one year of taking office.²⁹ The examination will be offered three times each year. Members of the South Carolina Bar are exempt from the examination; however, they are required to attend the orientation program. Each municipal judge and ministerial recorder must pass a recertification examination within eight years after passing the initial certification examination and at least once every eight years thereafter.

What cases do they hear?

Municipal courts have jurisdiction over cases arising under ordinances of the municipality, and over all offenses which are subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both, and which occur within the municipality. The powers and duties of a municipal judge are the same as those of a magistrate, with regard to criminal matters; however, municipal courts have no civil jurisdiction.

The Prosecution

Who are they?

According to the State Constitution, the Attorney General is the chief prosecutor of the State.³⁰ The Attorney General, besides acting as the State's chief prosecutor, also represents the State in civil litigation, and issues opinions regarding the interpretation of law.³¹

Prosecution in circuit court is carried out by a circuit solicitor and the solicitor's assistant. In addition, a solicitor, if directed by the Attorney General, may represent the State in a civil proceeding.

Prosecution of misdemeanor traffic and criminal violations in the summary courts (Magistrate (County) and Municipal (City/Town) Courts) may be made by the arresting officer or a supervisory officer assisting the arresting officer.³² County attorneys may prosecute violations of county ordinances in magistrates courts.

State law allows a citizen to prosecute his own cause, if he so desires.³³

The Defense

When a magistrate or municipal judge calls a criminal case for disposition and determines that a prison sentence is likely to be imposed following a conviction, the accused, if unable to retain counsel due to financial inability, is entitled to a court appointed attorney upon proof of indigency.³⁴ The court may appoint the public defender to represent the accused. A criminal defendant's initial appearance before a court, where he learns the charge against him and his liberty is subject to restriction, marks the initiation of adversary judicial proceedings that trigger the Sixth Amendment right to counsel.³⁵

Once appointed, the public defender must represent the accused as far as the case is pursued in South Carolina's courts unless he is permitted to withdraw for good cause.³⁶ Further, court rules provides a uniform method of managing the appointment of lawyers to serve as counsel for indigent persons in the circuit and family courts pursuant to statutory and constitutional mandates.³⁷ However, those court rules apply only to circuit and family courts, and do not apply to representation of indigents in magistrate and municipal courts.

Criminal indigency appeals are generally handled by the Office of Appellate Defense which operates under the direction of the S.C. Commission of Appellate Defense.

If a municipality has or elects to have an optional municipal court system, it must provide adequate funds for representation of indigents.³⁸ No public defender shall be appointed in any such court unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation and no funds allocated to the Commission of Indigent Defense shall be used to provide compensation for appointed counsel in municipal courts.

State law allows a citizen to defend his own cause, if he so desires.³⁹

Table 1. Court types, cases heard in each, and who represents the prosecution and defense.⁴⁰

SUPREME COURT			
<u>Cases heard</u>			
Appeals from Circuit Court and Family Court. The Supreme Court has exclusive jurisdiction over certain types of appeals, and may grant a writ of certiorari to review decisions of the Court of Appeals. ⁴¹			
<u>Prosecution (State)</u>		<u>Defendant (Individual)</u>	
<i>Attorney:</i> Attorney General, solicitor, or other prosecutor or prosecution attorney ⁴²		<i>Attorney for Indigent in criminal, Post-conviction Relief (PCR), Sexual Violent Predator (SVP), and family court cases:</i> S.C. Commission on Indigent Defense (SCCID) atty., other appointed atty., municipal or county contract atty., or volunteer	
<i>Paid by:</i> Attorney General, solicitor, or other prosecution office		<i>Paid by:</i> SCCID or, in summary court, municipalities/counties (volunteers not paid)	
		<i>Attorney for Non-Indigent in all cases:</i> Private attorney	
		<i>Paid by:</i> Defendant or someone else on his behalf	
COURT OF APPEALS			
<u>Cases heard</u>			
Appeals from the Circuit Court and Family Court proceedings for which jurisdiction over appeals does not lay within the exclusive jurisdiction of the Supreme Court			
<u>Prosecution (State)</u>		<u>Defendant (Individual)</u>	
<i>Attorney:</i> Attorney General, solicitor, or other prosecutor or prosecution attorney		<i>Attorney for Indigent in criminal, PCR, SVP, and family court cases:</i> SCCID attorney, other appointed attorney, municipal or county contract attorney, or volunteer attorney	
<i>Paid by:</i> Attorney General, solicitor, or other prosecution office		<i>Paid by:</i> SCCID or, for summary court cases, municipalities and counties (volunteers not paid)	
		<i>Attorney for Non-Indigent in all cases:</i> Private attorney	
		<i>Paid by:</i> Defendant or someone else on his behalf	
CIRCUIT COURT			
<u>Cases heard</u>			
In the Court of General Sessions (the “criminal side” of the Circuit Court), the court addresses criminal offenses over which it either has exclusive jurisdiction or over which it shares jurisdiction (“concurrent jurisdiction”) with the summary court. In the Court of Common Pleas (the “civil side” of the Circuit Court), the court addresses PCR applications, post-sentencing applications for orders of protections, SVP petitions, criminal asset forfeiture matters, and appeals from summary court conviction.			
COURT OF GENERAL SESSIONS		COURT OF COMMON PLEAS	
Criminal Cases		Post-Conviction Relief (PCR)	
<u>Prosecution (State)</u>	<u>Defendant (Individual)</u>	<u>Prosecution (State)</u>	<u>PCR Applicant (Individual)</u>
<i>Attorney:</i> Solicitor or Attorney General ⁴³	<i>Attorney for Indigent:</i> Rule 608 contract	<i>Attorney:</i> Attorney General	<i>Attorney for Indigent:</i> Rule 608 contract attorney, other appointed or volunteer attorney
<i>Paid by:</i> State, county, and/or other sources	attorney, other appointed or volunteer attorney	<i>Paid by:</i> Attorney General	<i>Paid by:</i> SCCID (volunteers not paid)
	<i>Paid by:</i> SCCID (volunteers not paid)		<i>Attorney for Non-Indigent:</i> Private attorney
	<i>Attorney for Non-Indigent:</i> Private attorney		<i>Paid by:</i> Defendant or someone on his behalf
	<i>Paid by:</i> Defendant or someone on his behalf		
		Sexually-Violent Predator (SVP)	
		<u>Prosecution (State)</u>	<u>SVP Respondent (Individual)</u>
		<i>Attorney:</i> Attorney General	<i>Attorney:</i> 608 contract attorney
		<i>Paid by:</i> Attorney General	<i>Paid by:</i> SCCID
		Asset Forfeiture Cases	
		<u>Prosecution (State)</u>	<u>Defendant (Individual or Innocent Owner)</u>
		<i>Atty:</i> Solicitor or contract attorney	<i>Atty:</i> Private attorney
		<i>Paid by:</i> Solicitor, county, city, or law enforcement	<i>Paid by:</i> Defendant or someone on his behalf
Requests for Search Warrants/Orders		Summary Court (Magistrate/Municipal Court) Appeals	
<u>Prosecution (State/County)</u>	<u>Defendant, Suspect, or Other (Individual)</u>	<u>Prosecution (State, County, or Municipality)</u>	<u>Defendant (Individual)</u>
<i>Attorney:</i> Law enforcement (occasionally solicitor)	N/A	<i>Attorney:</i> Solicitor or municipal atty	<i>Attorney:</i> New or same as in Summary Court
<i>Paid by:</i> Law enforcement or solicitor		<i>Paid by:</i> State, county, or municipality	<i>Paid by:</i> Same as in Summary Court (or if new attorney, the defendant or someone on his behalf)

FAMILY COURT

Cases heard⁴⁴

Juvenile Delinquency Cases-Criminal Offenses and Status Offenses

Juvenile Delinquency Actions

Prosecution (State)

Attorney: Solicitor

Paid by: Solicitor

Defendant (Juvenile)

Atty for Indigent: Public Defender, Rule 608 contract attorney, other appointed or volunteer attorney

Paid by: Public Defender or SCCID (volunteers not paid)

Attorney for Non-Indigent: Private attorney

Paid by: Defendant or someone on his behalf

SUMMARY COURTS

MAGISTRATE (COUNTY) COURT

Cases heard (Trial or Plea)

Criminal offenses as set by state statute generally carrying no more than 90 days and/or a fine, including traffic offenses that occur in the unincorporated areas of the county, as well as violations of county ordinances

Prosecution (State/County)

Attorney: Solicitor, county prosecutor, or law enforcement

Paid by: Solicitor, county, or law enforcement

Defendant (Individual)

Attorney for Indigent: Public Defender, Rule 608 contract attorney, appointed or volunteer attorney

Paid by: Public Defender (if county has contracted with PD), SCCID (Rule 608 contract attorney), or county (volunteer attorneys not paid)

Attorney for Non-Indigent: Private attorney

Paid by: Defendant or someone on his behalf

Bond Settings and Preliminary Hearings for General Sessions Cases

Prosecution (State/County)

Attorney: Solicitor, county prosecutor, or law enforcement

Paid by: Solicitor, county, or law enforcement

Defendant (Individual)

Atty for Indigent: Public Defender, Rule 608 contract attorney, appointed or volunteer attorney

Paid by: Public Defender (if county has contracted with PD), SCCID (Rule 608 contract attorney), or county (volunteer attorneys not paid)

Attorney for Non-Indigent: Private attorney

Paid by: Defendant or someone on his behalf

Requests for Arrest and Search Warrants

Prosecution (State/County)

Attorney: Law enforcement (rarely solicitor)

Paid by: Law enforcement or solicitor

Defendant, Suspect, or Other (Individual)

N/A

MUNICIPAL (CITY/TOWN) COURT

Cases heard

Criminal offenses as set by state statute generally carrying no more than 90 days and/or a fine, including traffic offenses, that occur within the city/town, as well as violations of municipal ordinances.

Prosecution (State or Municipality)

Attorney: Solicitor, city prosecutor, or law enforcement

Paid by: Solicitor, city, or law enforcement

Defendant (Individual)

Attorney for Indigent: Public Defender, Rule 608 contract attorney, appointed or volunteer attorney

Paid by: Public Defender (if city has contracted with PD), SCCID (Rule 608 contract attorney), or city (volunteer attorneys not paid)

Attorney for Non-Indigent: Private attorney

Paid by: Defendant or someone

Table 2. Types of violations and courts in which they may be prosecuted.⁴⁵

TYPES OF VIOLATIONS AND COURTS IN WHICH MAY BE PROSECUTED		
Violation of....		Prosecuted in...
MUNICIPAL ORDINANCE ⁴⁶		Municipal (City/Town) Court ⁴⁷ <i>or</i> Magistrate (County) Court <i>ONLY IF approved by governing body of county</i> ⁴⁸
COUNTY ORDINANCE ⁴⁹		Magistrate (County) Court
STATE STATUTE IN WHICH THE MAXIMUM PENALTY...	Does not exceed \$100 fine or 30 days in jail AND does not include a charge with a penalty that exceeds \$100 fine or 30 days in jail ⁵⁰	Magistrate/Municipal Court <i>or</i> General Sessions Court <i>or</i> Family Court (<i>under the age of 17</i>)*
	Does not exceed \$500 fine or 30 days in jail ⁵¹	Magistrate/Municipal Court <i>or</i> General Sessions Court <i>or</i> Family Court (<i>under the age of 17</i>)*
	Does not exceed \$5,500 fine or 1 year in jail	Magistrate/Municipal Court ⁵² (<i>Limited to only where the solicitor requests transfer of the case from General Sessions Court and Defendant does not object</i>) <i>or</i> General Sessions Court <i>or</i> Family Court (<i>under the age of 17</i>)*
	Exceeds \$5,500 fine or 1 year in jail	General Sessions (State) Court <i>or</i> Family Court (<i>under the age of 17</i>)*
FEDERAL STATUTE		U.S. District (Federal) Court

* In 2016, the General Assembly changed the definition of juvenile to, and the change is scheduled to take effect on July 1, 2019, provided the South Carolina Department of Juvenile Justice receives fund necessary for implementation.⁵³

Seeking Justice - actions required to and entity responsible for each action

Tables 3 -5 provide a list of the general steps required to seek justice in certain types of cases and the entity responsible for each step. The types of cases include:

- Adult Criminal cases - All, except capital murder
- Adult Capital Murder
- Juvenile Criminal Case

Figure 5 includes a flow chart of the criminal justice system in different courts.

Table 3. Actions required to seek justice in all adult criminal cases, except capital murder.⁵⁴

Adult Criminal Case – All Criminal Cases, EXCEPT Capital Murder		
Step	Actions Required to Move Case Forward ⁵⁵	Entity Responsible for the Action
1	Citation, Ticket, or Arrest Warrant	<p>Citation – Citizen requests Ticket – Law Enforcement issues Arrest Warrant – (1) Law Enforcement requests, (2) County Magistrate issues; and (3) Law Enforcement serves</p> <p><i>Note: See additional comments in “Warrant Approval” section</i></p>
2	Bond - Initial	<p>Magistrate sets</p> <p><i>Note: Magistrates cannot set bond for certain charges, including murder (for those, Circuit Court judge must set bond).</i></p>
3	<p>Preliminary Hearing*</p> <p><i>*A hearing to review whether probable cause existed to charge the defendant.</i></p>	<p>Magistrate schedules hearing after defendant requests one (there is no requirement that a defendant request a hearing).</p> <p><i>Note: Once a case is indicted (which requires the grand jury to find that probable cause exists that the defendant committed the crime for which the indictment is sought), a defendant is not entitled to a preliminary hearing.</i></p>
4	<p>Bond Hearing*</p> <p><i>*Setting for those charges for which only the Circuit Court can set bond or reconsideration/revocation of a bond set by a Magistrate or by another Circuit Court judge</i></p>	<p>Defendant or Solicitor requests hearing Solicitor schedules hearing Circuit Court judge decides at hearing</p>
5	First Appearance	Solicitor schedules
6	Indictment	<p>Solicitor schedules Grand Jury dates Solicitor submits indictments to Grand Jury</p> <p><i>NOTE: Solicitor do not examine witnesses before the county Grand Juries and are not present during their deliberations or voting</i></p>
7	<p>Discovery/Pre-Trial Motions</p> <p><i>* Discovery is an ongoing process, as is the conduct of pre-trial motion hearings</i></p>	<p>Solicitor & Defense Attorney conduct discovery (prosecution is entitled to very little discovery) Motion hearings, if needed, set by Solicitor or Circuit Court</p>
8	Appearance/Roll Calls	Solicitor schedules
9	Status Conference	Solicitor or Circuit Court judge schedules
10	Plea Negotiations (if any)	Solicitor & Defense Attorney conduct
11	Plea Hearing	Solicitor schedules hearing
12	Jury Trial	<p>Process of scheduling trials varies from county to county</p> <p><i>Note: In a few counties, the Chief Administrative Judge schedules trials, in some counties scheduling is a joint effort by the judges and the Solicitor, and in some counties the judge leaves the scheduling of trials to the Solicitors.</i></p>

Table 4. Actions required to seek justice in adult capital murder cases.⁵⁶

Adult Criminal Case - Capital Murder		
Steps	Actions required to Move Case Forward ⁵⁷	Entity Responsible for the Action
1	Arrest Warrant	Arrest Warrant - (1) Law Enforcement requests, (2) County Magistrate issues; and (3) Law Enforcement serves <i>Note: See additional comments in "Warrant Approval" section</i>
2	Bond - Initial	Magistrate sets <i>Note: Magistrates cannot set bond for certain charges, including murder (for those, Circuit Court judge must set bond).</i>
3	Preliminary Hearing* <i>*A hearing to review whether probable cause existed to charge the defendant.</i>	Magistrate schedules hearing after defendant requests one (there is no requirement that a defendant request a hearing). <i>Note: Once a case is indicted (which requires the grand jury to find that probable cause exists that the defendant committed the crime for which the indictment is sought), a defendant is not entitled to a preliminary hearing.</i>
4	Bond Hearing* <i>*Setting for charges for which only the Circuit Court can set bond or reconsideration/revocation of a bond set by a Magistrate or by another Circuit Court judge</i>	Defendant or Solicitor requests hearing Solicitor schedules hearing Circuit Court judge rules on bond at hearing
5	Indictment	Solicitor schedules Grand Jury dates Solicitor submits indictments to Grand Jury <i>NOTE: Solicitor do not examine witnesses before the county Grand Juries and are not present during their deliberations or voting.</i>
6	Notice of Intent to Seek the Death Penalty	Solicitor files
7	Assignment of Circuit Court Judge	Supreme Court of South Carolina
8	Discovery/Pre-Trial Motions* <i>* Discovery is an ongoing process, as is the conduct of pre-trial motion hearings</i>	Solicitor & Defense Attorney conduct discovery (prosecution is entitled to very little discovery) Motion hearings, if needed, set by Assigned Circuit Court judge
9	First Appearance	Solicitor or Assigned Circuit Court judge schedules
10	Appointment of Second Attorney	Appointment by Assigned Circuit Court Judge
11	Status Conference	Assigned Circuit Court judge schedules
12	Plea Negotiations (if any)	Solicitor & Defense Attorney conduct
13	Plea Hearing	Assigned Circuit Court Judge schedules hearing
14	Jury Trial	Scheduled by assigned Circuit Court Judge

Table 5. Actions required to seek justice in juvenile criminal cases (crimes and status offenses).⁵⁸

Juvenile Criminal Case - Family Court		
Step	Actions required to move case forward ⁵⁹	Entity Responsible for the action
1	Issued a ticket or citation, taken into custody, or referred to SCDJJ	Ticket/Citation: Law Enforcement Custody: Law Enforcement Referral: Solicitor or School
2	Parent/custodian notified	Law Enforcement notifies parent/guardian
3	Juvenile released to parent/guardian	Law Enforcement releases (and, in some counties, issues ticket to inform juvenile/parents of required court appearance) Department of Juvenile Justice (DJJ) conducts Intake Process
4	Juvenile not released to parent/guardian – Intake Process conducted	DJJ
5	Detention Hearing within 48 hours of the Juvenile being taken into custody and attorney appointed if juvenile (family) indigent	Family Court judge
6	Screened for mental health issues (within 24 hrs. of detention)	DJJ screens
7	Discovery/Pre-Trial Motions* <i>*Discovery is an ongoing process, as is the conduct of any pre-trial motion hearings</i>	Solicitor and Defense Attorney conduct discovery (prosecution is entitled to very little discovery) Motion hearings, if needed, set by Family Court judge
8	Prosecution decision (whether to divert the case, proceed with prosecution, or dismiss). If decision is to proceed with prosecution, juvenile and parents served with summons and petition <i>NOTE: If the case is diverted, but the juvenile unsuccessfully completes the diversion program, the Solicitor may resume the prosecution of the case.</i>	Solicitor
9	If juvenile remains in detention, detention is reviewed (within 10 days, within 30 days thereafter, and 90 days from date of detention) Juvenile cannot be held longer than 90 days without good cause	Family Court judge
10A	Waiver (if charge is one for which the option of waiving the juvenile up to the Court of General Sessions to be tried as an adult is available)	Solicitor moves for waiver Family Court judge conducts hearing and then rules
10B	If the case stays in Family Court, trial scheduled <i>NOTE: If the case is waived up to the Court of General Sessions, it would follow the process for adult cases set out in a previous chart.</i>	Solicitor schedules trial
11	Adjudication or Guilt Phase (trial or plea)	Solicitor schedules Family Court judge conducts trial/plea
12	Sentencing <i>NOTE: Sentencing can be conducted at a separate proceeding if requested and judge may order psychological evaluation if appropriate and necessary prior to sentencing.</i>	DJJ evaluates if ordered and reports back Family Court judge sentences

What is the sequence of events in the state criminal justice system in South Carolina?

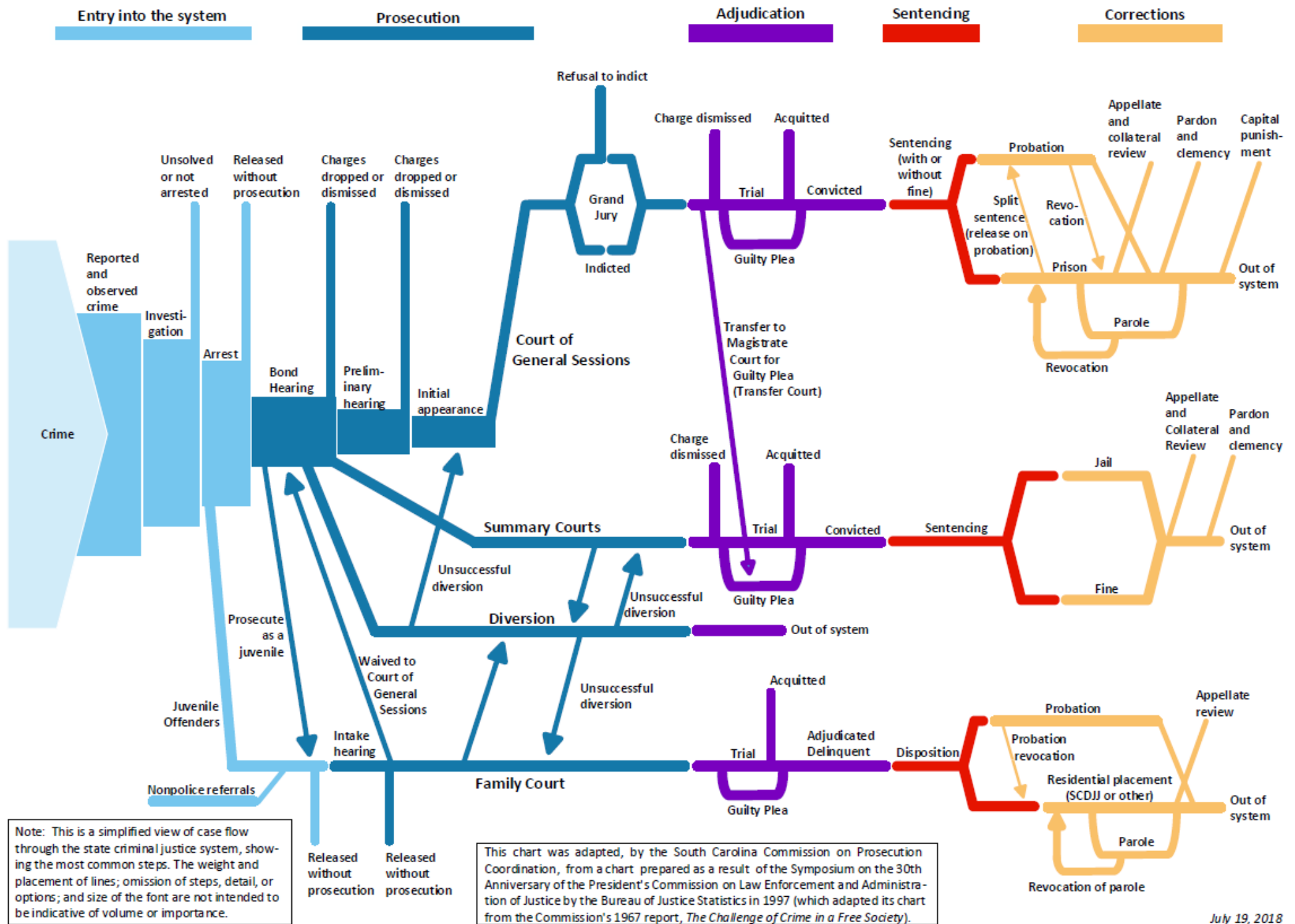


Figure 5. Criminal Justice system flow chart.

Warrant Approval

Adult criminal cases often start with the request and issuance of warrants. In a June 22, 2018, letter the Subcommittee asked the agency to provide recommendations for more efficient and effective ways to analyze cases, including, but not limited to, warrant approval. Below is the response provided by the agency.⁶⁰

Many jurisdictions across the country use some form of warrant approval system to ensure the cases being filed by law enforcement are prosecution-worthy. In many places, this step in the process occurs shortly after arrest, in some places it occurs prior to the issuance of a warrant. This may improve the overall effectiveness of the criminal justice system in South Carolina by filtering out cases that are not supported by the evidence or require further investigation before they can be successfully prosecuted. If this is something the legislature would like to explore, there is at least one solicitor's office that would be willing to serve as a pilot program. The most significant issues to address prior to implementation include the following:

1. Review Prior to Arrest
 - a. Providing the resources to allow for 24/7 on call review of cases. In the event the individual being investigated poses an imminent threat to public safety (as will certainly be the case for a number of individuals), any delay in review and arrest that allowed for additional crimes to be committed by the suspect would rightly be intolerable to the public.
2. Review After Arrest
 - a. Establishing a process to allow for sufficient time for law enforcement to assemble their file and present it to the prosecution after taking the suspect into custody. The process would have to address the procedural considerations involved in the issuance of process by a summary court judge along with a mechanism to allow for the solicitor's decision to be reported back to the court allowing for the warrant to go forward. Questions regarding bond and law enforcement liability for cases that were rejected by the prosecution would need to be addressed as well.
3. In either scenario, the review function would have to be established by law as a function of the prosecution to allow for prosecutorial immunity to extend to the decision making process of accepting or rejecting a warrant.
4. Search warrants should be included in the review process. Simple errors in the issuance of these warrants can be catastrophic and a simple mechanism requiring review could avoid many of these problems.

The agency states it is currently working on language to submit to the Subcommittee that more particularly addresses the issues present in South Carolina.

Data - Available now and sought going forward

As it relates to the prosecution of cases and SCCPC's duties, data is utilized in numerous ways, including: (1) transfer and review of evidence; (2) case status to determine flow of cases, backlog and where additional training may be needed; and (3) providing updates and resources to prosecutors and the public.

Evidence Data - Law Enforcement and Solicitors' Offices

As part of the prosecution process, law enforcement officers must transfer evidence they obtain during their investigation to the solicitors' offices for use in prosecuting cases in court.

According to SCCPC, much of the evidence today originates in digital format.⁶¹ This includes videos from body cameras, police cars, and public and private surveillance, as well as incident reports that are typed into computers, and photographs taken by digital cameras.

SCCPC explains that law enforcement agencies not utilizing cloud based systems remove the digital content and download it onto computer discs and thumb drives, document what is supposedly on the disks, then drive the discs to the solicitor's office where the solicitor's staff returns it to digital format by uploading it or scanning it into a case management system.⁶²

SCCPC believes this process is not only inefficient considering the use of computer discs, thumb drives, and personnel time but it also prevents a pure audit process that would allow the prosecutor, defense attorney, and court to hold law enforcement accountable for providing all relevant material.⁶³

Table 6 includes information SCCPC provided on the pros and cons of all applicable parties (e.g., law enforcement entities, solicitors' offices, court administration, individual defendants, etc.) utilizing a cloud- based system for evidence.

Table 6. Pros and Cons of utilizing a cloud based evidence storage system

Utilization of Cloud Based Evidence Storage	
Pros	Cons
<p>Efficiency</p> <p>Utilizing a cloud based evidence storage platform provides a quicker method of information dissemination (sending an email link to someone for them to access the data is much more efficient than putting a copy on a DVD and mailing or delivering it to another person). A single link can be shared many times.</p> <p>Example: The “old” way is to receive a copy of a DVD (which might be misplaced, damaged, stolen, might require special software to view, etc.) and then transferring that data by making copies of the DVD for distribution by mail or by hand (is laborious and time consuming). With cloud based storage, a particular file can be shared with the appropriate parties via an email link that requires authentication to view.</p> <p>Redundancy</p> <p>Once in the system data will not be lost or misplaced.</p> <p>Protection against tampering of evidence</p> <p>Versioning occurs when the original component is changed, and it also records by whom the change has taken place. Versioning acts as a form of backup of the original dataset.</p> <p>Security and accountability</p> <p>The data transfer in the cloud is encrypted, and the platform on which the data is residing is encrypted. The person who accesses the data must have (a) email access and (b) the password that has been set up by the email address user. The platform records both the email address and IP address of the person accessing the data. A log of who accesses the data is maintained. The data transfer in the cloud is encrypted, and the platform on which the data is residing is encrypted.</p> <p>Accessibility</p> <p>The data is readily accessible from multiple platforms so long as one has the ability to remotely access the data store.</p> <p>Cost</p> <p>The amount of money saved in expediting the transfer of data is immense. For instance, the value of the amount of time a lawyer spends dealing with sharing or transferring DVD data (finding the data, copying it, mailing or delivering it, and driving back one time) would pay for the software of 20 people for a month. Example: Imagine five lawyers having the ability to move data around securely through the internet per month: three data transfers each in a month (cloud based storage takes less than five minutes to transfer each time, as compared to transferring information via a DVD – for which the lawyer must find data, copy DVD, meet with person or get package mailed with signature security at extra expense – which takes between 30 minutes to an hour each and that’s not even delivering the data). Money and time is saved with cloud based evidence storage and sharing.</p>	<p>Security</p> <p>Similar scenarios exist whether the data is physical or not. Example: someone downloads the file locally and their laptop is stolen and hacked, or the laptop is taken by someone who has phished the credentials of the laptop owner.</p> <p>Ex-employees</p> <p>This is for both DVD and cloud based. Ex-employees should have access to data removed at the time of dismissal (requires removing access to be part of the human resources’ dismissal process).</p> <p>Implementation</p> <p>Requires supervisors to require 100% adoption within the organization for it to be consistent.</p> <p>Upload and download times for large files</p> <p>If the file is extremely large and the upload speed is minimal, it takes a long time to transfer data.</p>

Case Status Data - Court Administration and SCCPC

Court Administration collects various data, a list of which is in Appendix D, to assist the South Carolina Judicial Department in its duties. SCCPC obtains some of this data to assist it in various activities including preparing grant reports, reviewing case flow across the state, preparing budgetary requests, and determining training and resource needs of the solicitors' offices.⁶⁴

SCCPC does not have direct access to all of the data Court Administration collects.⁶⁵ It obtains the data from the monthly and annual Court Administration reports posted on the Judicial Department's website, and from sending requests to Court Administration for specific data searches.⁶⁶

The types of data Court Administration collects, which SCCPC currently utilizes, includes the following:

- pending cases,
- number of cases disposed of,
- number of cases added, and
- time between arrest and disposition.⁶⁷

SCCPC states there is additional data, not collected by Court Administration, which would be beneficial to SCCPC. According to SCCPC, Court Administration does not collect case level data (just total financial and caseload/number data) on criminal cases in Summary Court (Magistrate (County) and Municipal (City/Town) Courts).⁶⁸ SCCPC believes knowing the following data could be used in a number of different ways, including determining what cases (and how many) are being tried by law enforcement, and determining training and resource needs of those prosecuting the cases:

- types of criminal cases being prosecuted,
- numbers by type,
- dispositions by type, and
- who is appearing for the parties (prosecutor or law enforcement officer for the prosecution, and public defender/contract attorney, private attorney, or a pro se defendant for the defense).⁶⁹

Definition of "case"

While SCCPC currently utilizes some of Court Administration's data regarding cases, and would like to collect/utilize additional data, to ensure data in reports from Court Administration, SCCPC, and S.C. Commission on Indigent Defense (which also utilizes case status data), can be compared apples to apples, there first needs to be a uniform definition for the term "case."

SCCPC acknowledges Court Administration, SCCPC, and S.C. Commission on Indigent Defense currently do not utilize a uniform definition of the term "case" for purposes of calculating cases by county and circuit, caseloads, etc.⁷⁰

SCCPC proposes that cases be calculated as events, which would be consistent with how law enforcement calculates cases.⁷¹ SCCPC provides the following as an example:

Assume a defendant breaks into a home, steals stereo equipment and assaults the homeowner. Later the same day the defendant travels across town and breaks into another home, steals more stereo equipment and assaults another homeowner. The defendant is charged with burglary, larceny and assault for the first break in. He is also charged with burglary, larceny and assault for the second break in. Court Administration counts this situation as six different cases. Law enforcement considers these two separate events and assigns two case numbers.

Updates and Resources Data - SCCPC, Solicitors, Law Enforcement, and General Public

SCCPC is in the process of creating a request for proposal for the creation of a new website to assist the agency in providing information to the public (accessible by anyone) as well as solicitors and their staff (private or “password-protected” pages).⁷²

The SCCPC hopes to accomplish several goals through the creation of a new website, including, but not limited to, the following:⁷³

- Trainings (password pages)
 - Training session descriptions, availability, registration, and materials will be available. In addition, it is anticipated that some educational videos may be uploaded for use by prosecution staff.
- Legal updates (password pages)
 - Summaries of appellate decisions, rule changes, and legislative enactments, which have historically been emailed to solicitors and deputy solicitors for dissemination in their respective offices, will be available on the restricted access portions of the website to ensure all prosecution staff has ready and immediate access to it.
- Clearinghouse of sample pleadings, research, and other information (password pages)
 - SCCPC anticipates posting sample pleadings (trial memoranda, briefs, motions, etc.), research, alerts, strategic advice, and other information that will enable prosecutors to better and more efficiently prosecute their cases.
- General criminal justice information (public pages)
 - General information on the state’s criminal justice system and process, the different courts, frequently asked questions on the system and process, contact information, and links to other components in the system (S.C. Commission on Indigent Defense, Court Administration, S.C. Department of Corrections, S.C. Department of Juvenile Justice, S.C. Department of Probation, Parole, and Pardon, etc.).
- Commission and Solicitor information (public pages)
 - Current Commission members, SCCPC staff, and the solicitors’ offices.
- John R. Justice Grant (public pages)
 - SCCPC administers the John R. Justice Loan Repayment grant for prosecutors and public defenders. SCCPC’s responsibilities include distribution of information and application forms. These will be available online through the new website.
 - Also, information as to other student loan debt relief could be shared with prosecutors on the website.
- Publicly-available reports (public pages)
 - SCCPC collects statistical information on domestic violence cases, driving under the influence cases, and diversion programs. These reports are currently submitted by the 16 circuit solicitors via fax or email, but will be submitted electronically through the website. Additionally, it is hoped the electronic submission on the new website will allow for easier generation of statutorily-required reports that will be posted on the website to allow for easy access by the public and solicitors’ offices.
- Non-public reports (password pages)
 - SCCPC hopes the new website will allow for submission of non-public information and statistical information that will be beneficial to SCCPC.

Backlog of Cases

Since the General Assembly, when creating the SCCPC, stated there was a record backlog of forty-two thousand five hundred seventy-seven criminal cases in General Sessions and Family Courts, the Subcommittee asked the agency to provide a recommended methodology for calculating the backlog of cases, and range for acceptable and unacceptable backlog.⁷⁴ Additionally, the Subcommittee asked the agency to explain current actions, if any, and actions it is planning for the future, if any, to help reduce the current backlog of criminal cases, and maintain a minimal backlog going forward. Below are the responses provided by the agency.⁷⁵

Backlog Calculation and Acceptable Amount⁷⁶

According to SCCPC, backlog is not the same as pending cases.⁷⁷ A solicitor may have thousands of cases pending that are within months of arrest. These cases should not be considered a backlog.

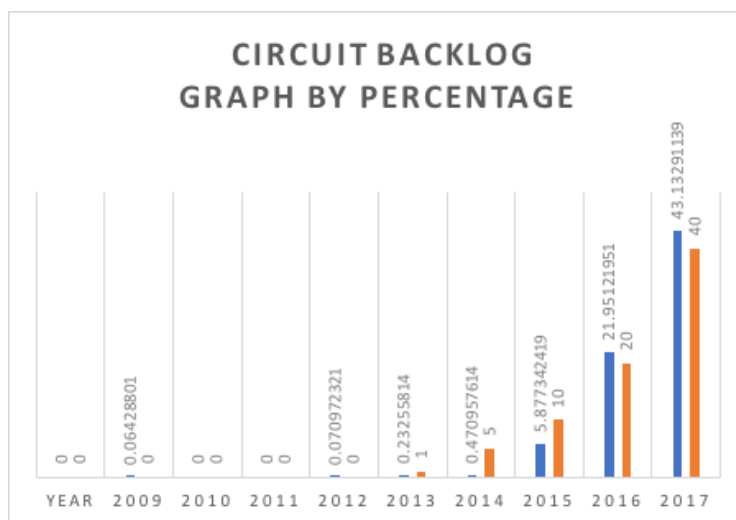
*Total Backlog*⁷⁸

Backlog should be determined as a percentage of cases pending from previous years after at least six months has passed into the next year.

To obtain the gross backlog number, you should determine the number of pending cases in the previous year and the number of cases that came into the system that year.

The gross backlog should then be converted to a percentage, and a benchmark set to determine best practices for backlogs statewide. An example is below.

Year	Percentage	Benchmark	Intake	Pending
2009	0.06428801	0	3111	2
2010	0	0	3289	0
2011	0	0	2993	0
2012	0.070972321	0	2818	2
2013	0.23255814	1	2580	6
2014	0.470957614	5	2548	12
2015	5.877342419	10	3522	207
2016	21.95121951	20	3362	738
2017	43.13291139	40	3160	1363

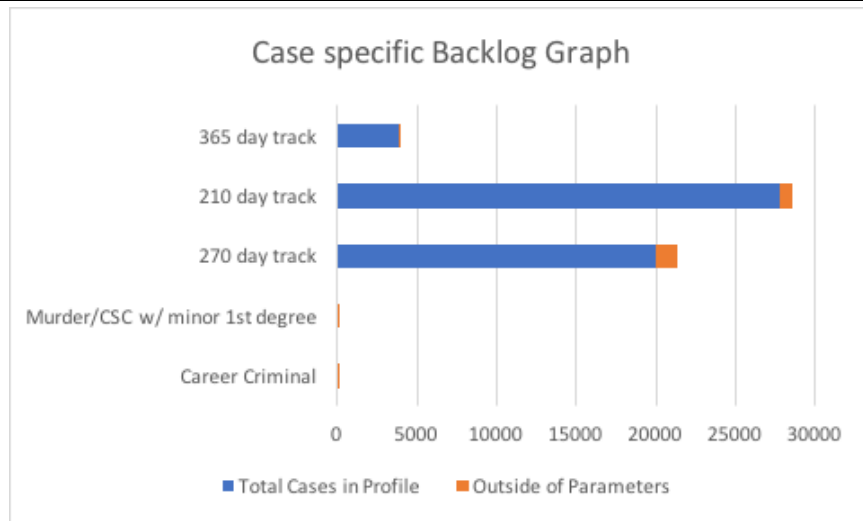


Case Specific Backlog⁷⁹

Some cases take longer than others to prosecute. For example, in comparison to a driving under the influence case, murder or rape cases usually involve scientific testing, gathering of information from multiple agencies, and many more pieces of evidence. Thus, the murder or rape case takes longer to prepare and therefore to prosecute.

To calculate acceptable backlog based on type of cases, cases should be separated by their complexity and then assigned a time table. Cases pending after their assigned timeline has expired are considered backlogged. In the following example all cases outside the parameters would be considered backlogged.

Name	Total Cases in Profile	Outside of Parameters
Career Criminal	39	1
Murder/CSC w/ minor 1st degree	51	6
270 day track	19979	1368
210 day track	27817	700
365 day track	3855	4
Totals	51741	2079



These calculations can be performed by the case management systems of both Matrix Pointe Software (MatrixProsecutor) and Karpel Solutions (Prosecutor by Karpel). These systems can also communicate with each other and with SCCPC once all of the solicitors have a system and SCCPC has the information technology infrastructure to collect and process the information.

Note: SCCPC requested additional funding in its 2018-19 budget requests to allow each circuit solicitor to purchase and maintain a case management system. The agency did not receive the funding requested, but plans to request it again next year.

This is one way of calculating a backlog. SCCPC does not know of any studies that have attempted to establish a best practices policy for this issue. Many factors can affect this other than case complexity such as prosecution, defense, or judicial resources available to address the caseload. Most recently, the addition of bodycams to the law enforcement standard equipment has created thousands of hours of new video that need to be reviewed in every prosecutor's office that did not exist before.

Generally, every Circuit strives to move at least as many cases as come in in a given year. A backlog is the accumulation of cases in excess of those moved year over year.

*Reduction of Backlog - Agency actions*⁸⁰

According to SCCPC, managing the docket and ensuring backlogs are reduced and maintained low depends entirely on having the appropriate number of prosecutors. SCCPC started this process with the caseload equalization project in 2015. SCCPC studied Court Administration statistics for the number of incoming cases into the general sessions court every year. These numbers were fairly consistent for the previous three years. The average number of cases coming into the system at that time was just under 115,000. There were 303 general sessions prosecutors statewide. SCCPC then studied national standards for caseloads for attorneys and determined South Carolina prosecutors had more than twice the number of cases the American Bar Association recommended for public defenders and four times the number of cases prosecuted by attorneys in other states.

SCCPC determined the goal should be no more than 200 cases per prosecutor. However, as that would have meant a request for funding from the legislature for over \$20 million, SCCPC recalculated at 280 cases per prosecutor, requested, and obtained funding for 104 new prosecutors.

SCCPC states that as South Carolina's population continues to grow, so will crime. Accordingly, SCCPC believes it should analyze the caseload every three years in order to react to any surge in caseload. Also, SCCPC believes it should analyze the percentage of cases handled statewide by public defenders in order to advise the Legislature on the proper number of public defenders.

SCCPC is unaware of how to potentially calculate the costs to a jurisdiction and/or the state, associated with backlogged cases.⁸¹

Uniformity

Since the General Assembly, when creating the SCCPC, stated there was a need to provide uniform and efficient administration of justice through the prosecution of criminal cases in South Carolina, the Subcommittee asked the agency to provide a list of activities that are currently uniform as well as those not currently uniform that SCCPC seeks to make uniform in the future.⁸² Below is the response provided by the agency.⁸³

Uniform Activities

Activities that are uniform in the prosecution of criminal cases in South Carolina include those required or overseen by SCCPC:

- Pre-trial Intervention (PTI) - General administration (SCCPC adopted standards/guidelines);
- Diversion Programs - Entry of data related to applications for and enrollment in the programs;
- Diversion Programs - Reporting of certain information by the solicitors to SCCPC;
- DUI Prosecutions - Reporting of certain information by the solicitors to SCCPC;
- Domestic Violence Prosecutions - Reporting of certain information by the solicitors to SCCPC; and
- Training and Resource Materials - Availability and receipt of these materials for newly-elected solicitors, new line prosecutors, and new victim/witness advocates.

The SCCPC has no direct control over how solicitors in each individual Judicial Circuit handle and/or dispose of criminal cases. However, there are specific procedures, requirements, and timing of events in a criminal prosecution that prosecutors and defense attorneys must comply with that are set out either in statutes, court rules, judicial decisions (*i.e.*, the South Carolina appellate courts and/or the Supreme Court of the United States), or the state and federal constitutions, including, for example,

- Disclosure of materials and information requested by the defense, within a specific time;⁸⁴
- Mandatory disclosure of exculpatory evidence and information by the prosecution regardless of whether it is requested by the defense;⁸⁵
- Mandatory sentencing procedure before a juvenile may be sentenced to life imprisonment without the possibility of parole;⁸⁶
- Jury Strikes - Set procedure for challenging a party's exercise of jury strikes;⁸⁷ and
- Case Management Orders, which set out some deadlines and procedures related to the process of a case through the trial court, issued in each county.⁸⁸

Not Currently Uniform Activities

Activities not currently uniform, but that SCCPC seeks to make uniform in the future, include the following:

- PTI Programs - Specific administration;
 - In the near future SCCPC will begin the process of reviewing and evaluating the current PTI standards and guidelines to not only bring them current, but to address issues not previously addressed and either expand them to cover all diversion programs or create separate standards and guidelines for other diversion programs
- Expungement - Procedures and processes;
- Trial Dockets - Procedures and processes for setting; and
- Case Statistics - Definition of "case" for purposes of counting number of cases.

REVENUE AND FUNDING SOURCES

Solicitor Funding

As shown in Table 8, approximately \$35.7 million of the agency's funding goes directly to the solicitors' offices and the agency has no control over how the solicitors' spend that money. Table 7 includes an overview of all sources of funding, and expenses, for solicitors' offices statewide. Appendix A and B include details about the funding and expenses for solicitors' offices by judicial circuit and county.

Table 7. Funding and expenses for Solicitors' Offices in FY 2015-16 and 2016-17.⁸⁹

FUNDING		
	2015-16	2016-17
Total	\$70,837,004.72	\$85,378,396.56
County	60.56%	51.53%
State	21.99%	33.93%
Other	13.60%	8.94%
Municipal	0.83%	1.62%
Grants	3.02%	3.97%
Federal	Not Requested	Not Requested
EXPENSES		
	2015-16	2016-17
Total	\$67,666,051.63	\$83,479,497.23
Salaries and Fringe	87.58%	86.29%
Other	0.66%	0.82%
Operating	11.76%	12.89%

The SCCPC has formed a finance task force to help shed additional light on the funding and expenses of the solicitors' offices. Below are details regarding the task force's plans⁹⁰

Answers sought

How to provide a financial best practices framework for the Solicitors to ensure transparency, uniformity, and accountability.

Areas reviewing

The necessary checking accounts required by practice and statute and the use of (1) audits, (2) host county finance personnel, and (3) transparency measures.

Entities communicating with

The entities represented on the Commission, which include solicitors and their staff, House of Representatives, Senate, Department of Public Safety, and State Law Enforcement Division are aware of the task force's goals and progress.

Timeline for completion of each stage of analysis and publication of recommendations

The task force is gathering information now. It expects to have most of the information by September 2018 and to begin analysis immediately. SCCPC hopes to receive recommendations from the Task Force by February 2019.

Agency Funding

In the Program Evaluation Report, the Committee asks the agency to provide information about its revenue sources, as well as how these funds are utilized to achieve the agency's comprehensive strategic plan. The agency provides the information below.

The agency **receives** funds through the following sources⁹¹:

- General Fund Appropriations
- Drug Courts in Richland, Kershaw, and Saluda Counties; and 12th Judicial Circuit
- DUI Prosecution
- Criminal Domestic Violence Prosecutor
- Violent Crime Prosecution
- Caseload Equalization Funding
- Victim's Assistance Program
- Summary Court Violence Prosecution

The agency **generates** funds through the following sources⁹²:

- Fee for Motions
- Family & Circuit Court Filing Fee
- Conditional Discharge - General Sessions
- Conditional Discharge - Magistrate
- Conditional Discharge - Municipal
- Conviction Surcharge - Law Enforcement Funding
- Drug Conviction Surcharge
- Traffic Education Program App Fee - Magistrate
- Traffic Education Program App Fee - Municipality
- Refund of prior year
- Federal Grant

The agency receives approximately \$36.8 million in funding annually, but **only has control over \$1 million** as the other **97% of the funding goes directly to the Solicitors' Offices**, which is shown in Table 8.

Table 8. Agency revenue sources utilized to achieve comprehensive strategic plan in FY 2016-17 and 2017-18.⁹³

Strategic Plan Item	Spent to achieve plan in 2016-17	Percent of total spent	Budgeted to achieve plan in 2017-18	Percent of total spent
Goal 1 - Protect the community by vigorously but fairly prosecuting those who violate the law*	\$35,771,567	97.23%	\$35,784,935	97.26%
Strategy 2.1 - Provide administrative support to the Offices of Solicitor.	\$191,560	0.52%	\$193,093	0.52%
Strategy 2.2 - Enhance the professionalism and effectiveness of South Carolina's Solicitors and their staff.	\$490,368	1.33%	\$ 493,584	1.34%
Strategy 2.3 - Work with SLED to write a new computer program that will modernize the Pre-Trial Intervention Database as well as add additional Diversion Databases.	\$215,169	0.58%	\$ 215,204	0.58%
Strategy 3.1 - Enable staff to perform job duties.	\$37,792	0.10%	\$38,002	0.10%
Strategy 3.2 - Respond to inquiries and requests for assistance from the public (persons other than those covered by Goal 2).	\$83,303	0.23%	\$84,038	0.23%
TOTAL	\$36,789,759	100%	\$36,808,856	100%

Table Note: All state funding provided for the Accomplishment of Goal 1 is received by the SCCPC as pass-through funds to the Solicitors' Offices, and the SCCPC has no control over how that money is spent.

PRODUCTS AND SERVICES

In the Program Evaluation Report, the Committee asks an agency to **provide a list of its deliverables** (i.e., products and services) as well as additional information related to laws, customers, costs, and potential negatives impacts.⁹⁴ Table 9 includes an overview of the deliverables provided by the agency and Tables 10.1 - 10.33 include additional information about each of the deliverables.

Table 9. List of the agency's deliverables.

Item # ⁹⁵	Deliverable	Does law require, allow, or not address it?
1A&B	Administrative functions of the solicitors' offices, coordinate	<u>Required by</u> S.C. Code Ann. Section 1-7-940(A)(1). Duties.
2	State budget support to solicitors, provide	<u>Required by</u> S.C. Code Ann. Section 1-7-940(A)(2). Duties.
3	Solicitors' expenditure reports, collect and submit to legislature	<u>Required by</u> Proviso 117.109, 2017-2018 Appropriation Act Part 1B
4-10	Legal issues, including legislation and court rules affecting prosecutors and prosecution,...	<u>Required by</u>
	provide technical assistance	S.C. Code Ann. Section 1-7-940(A)(3). Duties.
	provide and assist with general research	S.C. Code Ann. Section 1-7-940(A)(3). Duties.
	develop, coordinate, and conduct training	S.C. Code Ann. Section 1-7-940(A)(3). Duties.
	act as clearinghouse for distribution of publications	S.C. Code Ann. Section 1-7-940(A)(3). Duties.
	provide updates	S.C. Code Ann. Section 1-7-940(A)(3). Duties.
	monitor	<u>Not specifically mentioned in law, but provided to achieve the requirements of</u> S.C. Code Ann. Section 1-7-940(A)(3). Duties.
11	Blank indictments to the solicitors' offices, provide	<u>Required by</u> S.C. Code Ann. Section 1-7-940(A)(3). Duties.
12-15	Domestic violence...	<u>Required by</u>

Item # ⁹⁵	Deliverable	Does law require, allow, or not address it?
	prosecutions, collect/maintain non-privileged data, and prepare/submit annual report	Proviso 60.7, 2017-2018 Appropriation Act, Part 1B
	First-time offender programs, collect reports	S.C. Code Ann. Section 22-3-546. Establishment of program for prosecution of first offense misdemeanor criminal domestic violence offenses.
	fatalities, develop protocols related to the review	S.C. Code Ann. Section 16-25-720. Establishment of interagency circuit-wide committees; protocols; membership of committees; confidential information; limitation in investigations; access to information.
	Fatality Review Committees, collect and maintain reports from each solicitor	<u>Not specifically mentioned in law, but provided to achieve the requirements of</u> S.C. Code Ann. Section 16-25-720.
16	Driving under the influence...	<u>Required by</u>
	prosecutions, collect/maintain information, and prepare/submit annual report	Proviso 60.9, 2017-2018 Appropriation Act, Part 1B
17-19	Traffic education programs...	<u>Required by</u>
	procedures, oversee administration	S.C. Code Ann. Section 17-22-310. Prosecutorial discretion of Circuit Solicitor to establish traffic education program; administration.
	Reports, collect from each solicitor	S.C. Code Ann. Section 17-22-360. Annual report.
	identifying information of participants, maintain	S.C. Code Ann. Section 17-22-370. Submission of information necessary for creation and maintenance of list of participants.
20-22	Alcohol education programs...	<u>Required by</u>

Item # ⁹⁵	Deliverable	Does law require, allow, or not address it?
	procedures, oversee administration	S.C. Code Ann. Section 17-22-510. Prosecutorial discretion of Circuit Solicitor to establish alcohol education program; administration.
	enrollment and completion, maintain records	S.C. Code Ann. Section 17-22-530. Disposition of alcohol-related offense on completion of program.
	identifying information of participants, maintain	S.C. Code Ann. Section 17-22-560. Records.
23-25	Pre-trial intervention...	<u>Required by</u>
	procedures for these programs, oversee administration	S.C. Code Ann. Section 17-22-30. Circuit solicitors to establish pretrial intervention programs; oversight of administrative procedures.
	coordinator office, create and maintain	S.C. Code Ann. Section 17-22-40. Pretrial intervention coordinator; staff; funding.
	solicitors' inquiries regarding eligibility, respond to	S.C. Code Ann. Section 17-22-130. Reports and identification as to offenders accepted for intervention program.
26	Diversion programs (including pre-trial intervention, traffic education, and alcohol education), collect and report data on all	<u>Required by</u> S.C. Code Ann. Section 17-22-1120. Diversion program data and reporting.
27	Prosecutors and Defenders Public Service Incentive Program, develop, implement and administer	<u>Required by</u> Proviso 117.63, 2017-2018 Appropriation Act, Part 1B
28-30	Serve on...	<u>Required by</u>

Item # ⁹⁵	Deliverable	Does law require, allow, or not address it?
	Adult Protection Coordinating Council	S.C. Code Ann. Section 43-35-310. Council created; membership; filling vacancies.
	Victim Services Coordinating Council	S.C. Code Ann. Section 16-3-1430(B)(5). Victim assistance services; membership of Victim Services Coordinating Council.
	Attorney General's Interagency Task Force on Human Trafficking	S.C. Code Ann. Section 16-3-2050. Interagency task force established to develop and implement State Plan for Prevention of Trafficking in Persons; members; responsibilities; grants.
31	Disburse funds to the S.C. Center for Fathers and Families, from within the SCCPC budget	<u>Required by</u> Section 60, 2017-2018 Appropriation Act, Part 1A
32-37	Disburse funds to the solicitors' offices...	<u>Required by</u>
	from the appropriations to the SCCPC	Section 60, 2017-2018 Appropriation Act, Part 1A; Provisos 60.1 through 60.4 and 60.6 through 60.12, 2017-2018 Appropriation Act, Part 1B
	from traffic education programs \$140 application fee for summary court (County Magistrate and City/Town Municipal) level offenses (6.74%)	S.C. Code Ann. Section 17-22-350(B)&(C). Fees; waiver; distribution of fee proceeds.
	from filing fees on civil court motions	S.C. Code Ann. Section 8-21-320. Motion fees.
	from conditional discharge fees	S.C. Code Ann. Section 44-53-450(C). Conditional discharge; eligibility for expungement.
	from a portion of \$25 surcharge imposed on fines, forfeitures, escheatments or other monetary penalties	S.C. Code Ann. Section 14-1-212. Surcharges on fines; distribution.
	from surcharge drug convictions	S.C. Code Ann. Section 14-1-213. Surcharge on monetary penalties imposed for drug offenses; apportionment and use of funds; examination of financial records by State Auditor.

Table 10.1. Additional details about Deliverable #1A & B: Administrative functions of the solicitors' offices, coordinate.

Administrative functions of the solicitors' offices coordinate

(Deliverable #1A & B⁹⁶)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required, by S.C. Code Ann. Section 1-7-940(A)(1).

- Components:
- A. Human resources assistance for the solicitor and one administrative assistant in each judicial circuit
 - B. Diversion programs in the solicitors' offices, coordinates and provides support for

- Greatest harm if not provided:
- A. No human resources support and assistance for each solicitor and administrative assistant (both are state employees)
 - B. No coordinating state agency for solicitors' offices affiliate services, negatively impacting consistency and efficiency

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: SCCPC does not formally evaluate the outcome obtained by customers, but is informed if there is a problem.

Table 10.2. Additional details about Deliverable #2: State budget support to solicitors, provide.

State budget support to solicitors, provide

(Deliverable #2⁹⁷)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required, by S.C. Code Ann. Section 1-7-940(A)(2).

Components: Prepares and submits budgets of judicial circuit solicitors to General Assembly

Greatest harm if not provided: Solicitors' offices would be without a coordinating state agency, negatively impacting the preparation and submission of a budget, which serves all 16 judicial circuits and is cognizant of the special circumstances and needs of each, and receipt of state budgeted funds negatively impacting the ability of the solicitors' offices to prosecute cases

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.3. Additional details about Deliverable #3: Solicitors' expenditure reports, collect and submit to legislature.

Solicitors' expenditure reports, collect and submit to legislature

(Deliverable #3⁹⁸)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required, by Proviso 117.109, 2017-2018 Appropriation Act Part 1B.

Components: Provides expenditure reports and revenue streams for each judicial circuit solicitor to Chairmen of Senate Finance Committee and House Ways and Means Committee

Greatest harm if not provided: The Chairmen of Senate Finance Committee and House Ways and Means Committee would be without information on expenditures and revenues for each circuit

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission

Other agencies whose mission the deliverable may fit within: None

Customers/Clients		
Does the agency evaluate....		
customer satisfaction?	Yes	
outcome obtained?	Yes	
Does agency know the number of...		
potential customers?	Yes	
customers served?	Yes	

Costs		
Does the agency know the....		
cost it incurs, per unit?	Yes	
Does the law allow...		
charging to cover the agency's costs?	No	

Deliverables related to...

*Legal issues, including legislation and court rules affecting
prosecutors and prosecution*

Table 10.4. Additional details about Deliverable #4: Legal education and other training, develop, coordinate, and conduct.

Legal education and other training, develop, coordinate, and conduct

(Deliverable #4⁹⁹)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required, by S.C. Code Ann. Section 1-7-940(A)(3).

Components: Provides legal education and training for solicitors' offices and affiliate services, other prosecution offices, and law enforcement

Greatest harm if not provided: Staff of the solicitors' offices would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

How General Assembly can help avoid harm, other than money:

1. Allow for sharing of state training facilities by state agencies with no or nominal rental fees.
2. Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes*
customers served?	Yes*

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No*

*Table Note: (1) **Evaluation of outcome** - Historically, SCCPC has not formally evaluated the outcome obtained by customers, but it has relied upon the informal feedback from the 16 solicitors. SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (survey to be conducted on at least an annual basis). (2) **Attendance** - Attendance numbers change each year, but SCCPC maintains a record. (3) **Charging of Fees** - SCCPC does not charge a registration fee for its educational and training programs; it does, however, co-sponsor some programs where the co-sponsor charges a registration fee to cover program costs (e.g., speaker expenses, meeting space, AV equipment, provided meals and refreshments, etc.). None of the money is received by SCCPC (e.g., the annual conference of the Solicitors' Association of South Carolina, Inc. and the Prosecution Bootcamp). SCCPC is either solely or primarily responsible for the educational and training aspects of the program, but the Association collects nominal registration fees and is responsible for all non-SCCPC expenses).

Table 10.5. Additional details about Deliverable #5: Legal updates, provide.

Legal updates, provide

(Deliverable #5¹⁰⁰)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required, by S.C. Code Ann. Section 1-7-940(A)(3).

- Components:
1. Provides case law updates, legislative summaries, and other legal updates to solicitors' offices and, as applicable, other prosecution offices
 2. Legal updates are forwarded to the solicitors and the deputy solicitors for them to distribute to staff as appropriate; SCCPC distributes to other prosecutors and law enforcement as appropriate.

Greatest harm if not provided: Staff of the solicitors' offices would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (survey to be conducted on at least an annual basis).

Table 10.6. Additional details about Deliverable #6: Legislation, monitor.

Legislation, monitor

(Deliverable #6¹⁰¹)

No law change would be required to curtail or eliminate the deliverable.

Deliverable is not specifically mentioned in law, but provided to achieve the requirements of S.C. Code Ann. Section 1-7-940(A)(3).

- Components:
1. Monitors legislation related to criminal justice system, juvenile justice system, evidence, court procedure, law enforcement, and other matters related to prosecutors and prosecution, and prepares legislative summaries for Solicitors' Offices and, as applicable, other prosecution and law enforcement; and provides testimony, input, and assistance as requested by solicitors, legislators, legislative staff, and criminal justice entities
 2. Legislative summaries are forwarded to the solicitors and the deputy solicitors for them to distribute to staff as appropriate; SCCPC distributes to other prosecutors and law enforcement as appropriate.

Greatest harm if not provided: Staff of the solicitors' offices would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

- How General Assembly can help avoid harm, other than money:
1. Encourage state government to provide more assistance and options to state agencies for websites and secure distribution of materials and information via the Internet.
 2. Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (annual survey)

Table 10.7. Additional details about Deliverable #7: Court rules affecting prosecutors and prosecution, monitor changes to.

Court rules affecting prosecutors and prosecution, monitor changes to (Deliverable #7¹⁰²)

No law change would be required to curtail or eliminate the deliverable.

Deliverable is not specifically mentioned in law, but provided to achieve the requirements of S.C. Code Ann. Section 1-7-940(A)(3).

- Components:
1. Provides announcements and summaries of potential and actual changes to court rules for solicitors' offices and, as applicable, and other prosecution offices.
 2. Information on potential and actual rule changes are forwarded to the solicitors and the deputy solicitors for them to distribute to staff as appropriate; SCCPC distributes to other prosecutors and law enforcement as appropriate.

Greatest harm if not provided: Staff of the solicitors' offices would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

- How General Assembly can help avoid harm, other than money:
1. Encourage state government to provide more assistance and options to state agencies for websites and secure distribution of materials and information via the Internet.
 2. Continued support of SCCPC and its mission

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (survey to be conducted on at least an annual basis)

Table 10.8. Additional details about Deliverable #8: Act as clearinghouse for distribution of publications.

Act as clearinghouse for distribution of publications

(Deliverable #8¹⁰³)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 1-7-940(A)(3).

- Components:
1. Provides prosecution handbooks and other information related to the prosecution of criminal cases and affiliate services.
 2. SCCPC creates two handbooks/manuals for prosecutors in the solicitors' offices - one is distributed electronically through the solicitors and deputy solicitors and the other is distributed in print at the annual Prosecution Bootcamp program; other information is distributed to prosecutors and prosecution staff electronically either through the solicitors and deputy solicitors or directly.

Greatest harm if not provided: Staff of the solicitors' offices would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

- How General Assembly can help avoid harm, other than money:
1. Enact legislation allowing for the sharing of transcripts of court proceedings among criminal prosecutors and criminal defense attorneys without additional payment to or permission from a state-employed court reporter once a copy has been purchased by a state, county, or city prosecution or public defender office or agency.
 2. Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (annual survey)

Table 10.9. Additional details about Deliverable #9: Technical legal assistance, provide.

Technical legal assistance, provide

(Deliverable #9¹⁰⁴)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 1-7-940(A)(3).

Components: Responds to requests for assistance from prosecutors (including law enforcement officers who prosecute their own cases) with substantive and practical questions related to specific criminal prosecutions.

Greatest harm if not provided: Staff of the solicitors' offices and other attorney and law enforcement prosecutors would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

How General Assembly can help avoid harm, other than money:

1. Dependent upon state funding, statutorily require that prosecutions of all driving under the influence cases be attorneys (prohibit the prosecution of any criminal charges by law enforcement) and provide additional resources to Solicitors' Offices to prosecute these cases in the summary courts (County Magistrate and City/Town Municipal).
2. Consider (a) creating statutory attorney-client privilege between lawyers at SCCPC and prosecutors and law enforcement officers who call for assistance with specific cases, and/or (b) extending prosecutorial immunity to the attorneys in SCCPC who provide assistance to state, county, and local prosecutors (lawyer and law enforcement).
3. Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (annual survey)

Table 10.10. Additional details about Deliverable #10: General legal research and assistance, provide.

General legal research and assistance, provide

(Deliverable #10¹⁰⁵)

No law change would be required to curtail or eliminate the deliverable.

Deliverable is not specifically mentioned in law, but provided to achieve the requirements of S.C. Code Ann. Section 1-7-940(A)(3).

Components: Responds to requests for assistance with general legal research and questions for prosecutors, victim advocates, diversion staff, investigators, paralegals, other prosecution staff and, as appropriate, law enforcement.

Greatest harm if not provided: Staff of the solicitors' offices, other prosecutors, and law enforcement would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (annual survey)

Deliverables related to...

Blank Indictments

Table 10.11. Additional details about Deliverable #11: Blank indictments to the solicitors' offices, provide.

Blank indictments to the solicitors' offices, provide

(Deliverable #11¹⁰⁶)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 1-7-940(A)(3).

Components: Blank indictments are no longer printed and provided to the solicitors' offices because the indictments are now generated on computers and printed.

Greatest harm if not provided: None. Agency recommends (law recommendation #5) deletion of the law requiring this deliverable because indictments are now computer generated and SCCPC no longer provides printed blank indictments.

How General Assembly can help avoid harm, other than money: Amend S.C. Code Ann. §1-7-940(A) to remove (4), because the solicitors' offices prepare indictments on their own (most, if not all, via computers without using preprinted forms).

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	No
customers served?	No

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

Domestic Violence

Table 10.12. Additional details about Deliverable #12: Domestic violence fatalities, develop protocols related to the review of.

Domestic violence fatalities, develop protocols related to the review of (Deliverable #12¹⁰⁷)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 16-25-720.

- Components:
1. Develops protocols for use of Judicial Circuit Domestic Violence Fatality Review Committees, and by coroners and others conducting autopsies.
 2. In the protocol SCCPC developed for the committees, a two-year review process was included so that changes could be made to address issues identified by the committees and SCCPC.

Greatest harm if not provided: The solicitors' committees would not have operational guidance and there would be no consistency in how the 16 different committees operate, which could result in inadequate fatality reviews.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients		
Does the agency evaluate....		
customer satisfaction?	Yes	
outcome obtained?	Yes	
Does agency know the number of...		
potential customers?	Yes	
customers served?	Yes	

Costs		
Does the agency know the....		
cost it incurs, per unit?	No	
Does the law allow...		
charging to cover the agency's costs?	No	

Table 10.13. Additional details about Deliverable #13: Domestic Violence Fatality Review Committees, collect and maintain reports from each solicitor.

Domestic Violence Fatality Review Committees, collect and maintain reports from each Solicitor (Deliverable #13¹⁰⁸)

No law change would be required to curtail or eliminate the deliverable.

Deliverable is not specifically mentioned in law, but provided to achieve the requirements of S.C. Code Ann. Section 16-25-720.

Components: Collects and maintains annual reports from the Solicitors' Judicial Circuit's Domestic Violence Fatality Review Committees

Greatest harm if not provided: This information would not be centrally maintained and reviewed for purposes of determining what suggestions should be presented to the solicitors for their joint consideration.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.14. Additional details about Deliverable #14: First-time domestic violence offender programs, collect reports on.

First-time domestic violence offender programs, collect reports on (Deliverable #14¹⁰⁹)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 22-3-546.

Components: Collects reports from judicial circuit solicitors with five or more counties regarding programs for first offense domestic violence offenders

Greatest harm if not provided: There would be no reports from judicial circuit solicitors with five or more counties regarding programs for first offense domestic violence offenders.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.15. Additional details about Deliverable #15: Domestic violence prosecutions, collect/maintain non-privileged data, and prepare/submit annual report.

Domestic violence prosecutions, collect/maintain non-privileged data, and prepare/submit annual report (Deliverable #15¹¹⁰)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by Proviso 60.7, 2017-2018 Appropriation Act, Part 1B.

Components: Collects and retains non-privileged information and data regarding domestic violence prosecutions and provides annual report to General Assembly (this proviso is included twice in the Laws Chart because it imposes two deliverables -the other deliverable is disbursing appropriated funds to the solicitors' offices)

Greatest harm if not provided: There would no central repository for this information or report, as required by Proviso 60.7, 2017-2018 Appropriations Act, and the General Assembly would be without information related to domestic violence prosecutions.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

Driving under the influence (DUI)

Table 10.16. Additional details about Deliverable #16: Driving under the influence, prosecutions, collect/maintain information, and prepare/submit annual report.

Driving under the influence, prosecutions, collect/maintain information, and prepare/submit annual report (Deliverable #16¹¹¹)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by Proviso 60.9, 2017-2018 Appropriation Act, Part 1B.

Components: Collects and retains non-privileged information and data regarding driving under the influence prosecutions and provides annual report to General Assembly

Greatest harm if not provided: There would no central repository for this information, and the General Assembly would be without information related to driving under the influence prosecutions.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

Diversion programs (pre-trial intervention, alcohol education, and traffic education)

The following diversion programs are required by law to be offered in every county: (1) Pre-trial Intervention; (2) Alcohol Education; and (3) Traffic Education.¹¹² Table 10.17 includes general statistics on diversion programs. Appendix C includes a list of which diversion programs offered in each county. Note that the following diversion programs are required by law to be offered in every county: (1) Pre-trial Intervention; (2) Alcohol Education; and (3) Traffic Education.¹¹³ The other programs are allowed in law, but not required.

Table 10.17. Diversion programs, general statistics.

Program Name	Counties in which it is offered	Judicial Circuits in which the program is offered in none of the counties
Pre-trial Intervention;	46 of 46	
Alcohol Education	46 of 46	
Traffic Education	46 of 46	
Worthless Check Program	43 of 46	1st
Drug Court	36 of 46	
Veterans Court	11 of 46	1 st - 4 th , 6 th , 9 th - 12 th , 15 th , 16 th
Mental Health Court	8 of 46	1 st - 4 th , 6 th - 8 th , 10 th - 12 th
Juvenile Arbitration	41 of 46	
Juvenile Drug Court	14 of 46	2 nd - 4 th , 7 th , 8 th , 10 th , 11 th , 15 th
Juvenile Pre-trial Intervention	17 of 29	1 st - 3 rd , 6 th , 8-11 th , 15 th

Table 10.18. Additional details about Deliverable #17: Traffic education programs, oversee administration of procedures.

TRAFFIC EDUCATION programs, oversee administration of procedures

(Deliverable #17¹¹⁴)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-310.

Components: Oversees administration of procedures for traffic education programs established by judicial circuit solicitors

Greatest harm if not provided: There would be no coordination of traffic education programs among the solicitors' offices.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.19. Additional details about Deliverable #18: Traffic education programs, collect reports of solicitors.

.TRAFFIC EDUCATION programs, collect reports of solicitors

(Deliverable #18¹¹⁵)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-360.

Components: Makes annual traffic education programs reports prepared by judicial circuit solicitors available to the public

Greatest harm if not provided: This information would not be compiled as required by Section 17-22-360.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.20. Additional details about Deliverable #19: Traffic education programs, maintain identifying information of participants.

TRAFFIC EDUCATION programs, maintain identifying information of participants (Deliverable #19¹¹⁶)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-370.

Components: Maintains identifying information on all participants in traffic education program

Greatest harm if not provided: There would no central repository for this information. Offenders would be able to participate in the program more than once (participation is limited to one time under Section 17-22-320).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.21. Additional details about Deliverable #20: Alcohol education programs, oversee administration of procedures.

ALCOHOL EDUCATION programs, oversee administration of procedures (Deliverable #20¹¹⁷)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-510.

Components: Oversees administration of procedures for alcohol education programs established by judicial circuit solicitors

Greatest harm if not provided: There would be no coordination of alcohol education programs among the solicitors' offices.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.22. Additional details about Deliverable #21: Alcohol education programs, maintain records of enrollment and completion.

ALCOHOL EDUCATION programs, maintain records of enrollment and completion

(Deliverable #21¹¹⁸)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-530.

Components: Maintains records of disposition of cases of successful and unsuccessful completion of alcohol education program so a person cannot benefit from the program more than once

Greatest harm if not provided: There would no central repository for this information and persons might be able to go through the program more than once (participation is limited to one time under Section 17-22-520).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.23. Additional details about Deliverable #22: Alcohol education programs, maintain identifying information of participants.

ALCOHOL EDUCATION programs, maintain identifying information of participants (Deliverable #22¹¹⁹)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-560.

Components: Maintain identifying information on all participants in alcohol education program

Greatest harm if not provided: There would no central repository for this information, which is necessary to ensure that a person does not participate in a program more than once (participation is limited to one time under Section 17-22-520).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.24. Additional details about Deliverable #23: Pre-trial intervention programs, oversee administration of procedures.

PRE-TRIAL INTERVENTION programs, oversee administration of procedures (Deliverable #23¹²⁰)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-30.

Components: Oversees administration of procedures for pre-trial intervention programs established by judicial circuit solicitors

Greatest harm if not provided: There would be no coordination of pre-trial intervention programs among the solicitors' offices.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.25. Additional details about Deliverable #24: Pre-trial intervention coordinator, create and maintain the office.

.PRE-TRIAL INTERVENTION coordinator, create and maintain the office (Deliverable #24¹²¹)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-40.

Components: Creates the office of Pre-Trial Intervention Coordinator to assist in establishing and maintaining pre-trial intervention programs

Greatest harm if not provided: There would be no coordination and support of pre-trial intervention programs among the solicitors' offices; and offices would be without some assistance in ensuring that offenders do not participate in pretrial intervention more than once contrary to legislative intent (participation is limited to one time under Section 17-22-50).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.26. Additional details about Deliverable #25: Pre-trial intervention, respond to solicitors' inquiries regarding eligibility.

PRE-TRIAL INTERVENTION, respond to solicitors' inquiries regarding eligibility

(Deliverable #25¹²²)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-130.

Components: Respond to solicitors' inquiries re intervention eligibility

Greatest harm if not provided: Offenders would be able to participate in the program more than once, contrary to legislative intent, without this means of verifying past participation in an intervention program.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.27. Additional details about Deliverable #26: All diversion programs (including pre-trial intervention, traffic education, and alcohol education), collect and report data.

All diversion programs (including pre-trial intervention, traffic education, and alcohol education), collect and report data

(Deliverable #26¹²³)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-1120.

Components: Collects data on all diversion programs of judicial circuit solicitors and provides annual report to Sentencing Reform Oversight Committee

Greatest harm if not provided: There would no central repository for this information, and the Sentencing Reform Oversight Committee would be without information related to diversion programs as required by 17-22-1120.

How General Assembly can help avoid harm, other than money:

1. Include prosecution representatives in appointments to legislative oversight committees that include non-legislator members.
2. Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients		
Does the agency evaluate....		
customer satisfaction?	Yes	
outcome obtained?	Yes	
Does agency know the number of...		
potential customers?	Yes	
customers served?	Yes	

Costs		
Does the agency know the....		
cost it incurs, per unit?	Yes	
Does the law allow...		
charging to cover the agency's costs?	No	

Deliverables related to...

Public Service Incentive Program

Table 10.28. Additional details about Deliverable #27: Prosecutors and Defenders Public Service Incentive Program, develop, implement, and administer.

Prosecutors and Defenders Public Service Incentive Program, develop, implement, and administer (Deliverable #27¹²⁴)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by Proviso 117.63, 2017-2018 Appropriation Act, Part 1B.

Components: Develop, implement, and administer Prosecutors and Defenders Public Service Incentive Program, and submit report of number of applicants and impact of program to Senate Finance Committee or House Ways and Means Committee

Greatest harm if not provided: Law students, who are incurring increasingly high student loan debt, will forego joining a prosecutor or public defender office upon graduation because of the low pay (when compared to private practice or even some other government positions).

How General Assembly can help avoid harm, other than money:

1. Adopt tax incentives for lawyers who serve as full-time state and county prosecutors and public defenders
2. Consider scholarships or grants for law students who, upon graduation and admission to the South Carolina Bar, work in county prosecutor and public defender offices for an agreed period of time.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	Yes
customers served?	No

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Note: Agency states the program is currently suspended because it is not funded by the General Assembly.

Deliverables related to...

Service on a council or task force

Table 10.29. Additional details about Deliverable #28: Adult Protection Coordinating Council, provide representative to serve on council.

Adult Protection Coordinating Council, provide representative to serve on council (Deliverable #28¹²⁵)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 43-35-310.

Components: Provide representative to serve on Adult Protection Coordinating Council

Greatest harm if not provided: The council would not receive input from SCCPC (the collective, statewide perspective of the trial prosecutors who prosecute cases related to the emotional, physical, and financial abuse and exploitation of, as well as other crimes committed against, vulnerable adults and, as a result, can provide the council with problems identified within the criminal justice system impacting them).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	No
customers served?	No

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.30. Additional details about Deliverable #29: Victim Services Coordinating Council, provide representative to serve on council.

Victim Services Coordinating Council, provide representative to serve on council

(Deliverable #29¹²⁶)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 16-3-1430(B)(5).

Components: Provides representative to serve on Victim Services Coordinating Council

Greatest harm if not provided: The council would not receive input from SCCPC (the collective, statewide perspective of the trial prosecutors and victim/witness advocates who interact with victims and the agencies and groups who provide services to victims and, as a result, can assist the council with identifying coordination, policy, and procedural issues that need to be addressed to improve victim services).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	No
customers served?	No

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 10.31. Additional details about Deliverable #30: Attorney General's Task Force on Human Trafficking, provide representative to serve on task force.

Attorney General's Task Force on Human Trafficking, provide representative to serve on task force (Deliverable #30¹²⁷)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 16-3-2050.

Components: Provides representative to serve on Interagency Task Force on Human Trafficking

Greatest harm if not provided: The task force would not receive input from SCCPC (the collective, statewide perspective of the trial prosecutors who encounter victims of human trafficking, prosecute cases related to human trafficking, and work with other agencies and groups involved in prosecution, provision of services to, and public education on trafficking; and, as a result, can assist the task force with identifying coordination, policy, and procedural issues that need to be addressed to better address the issue of human trafficking and the needs of its victims).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	No
customers served?	No

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

Disbursing funds to S.C. Center for Fathers and Families

Table 10.32. Additional details about Deliverable #31: S.C. Center for Fathers and Families, disburse funds within the SCCPC budget appropriated for center.

S.C. Center for Fathers and Families, disburse funds within the SCCPC budget appropriated for center (Deliverable #31¹²⁸)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by Part 1A, Section 60, 2017-2018 Appropriation Act.

Components: Disburses funds within the SCCPC budget appropriated for the South Carolina Center for Fathers and Families

Greatest harm if not provided: Unknown. According to the agency, this is simply pass-thru funding to a non-profit agency. These funds are not connected to SCCPC or the solicitors' offices.

How General Assembly can help avoid harm, other than money: Unknown, see greatest harm if not provided.

Other agencies whose mission the deliverable may fit within: Unknown, see greatest harm if not provided.

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	No
customers served?	No

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

Disbursing funds to Solicitors' Offices

Table 10.33. Additional details about Deliverables #32-37: Solicitors' offices, disburse funds to from various sources.

Solicitors' offices, disburse funds to from various sources

(Deliverables #32-37¹²⁹)

Law change would be required to curtail or eliminate any of these deliverables, see details below.

Components; limits on use of funds, if any; and law requiring disbursement of funds to Solicitors' Offices:

Disburses funds from:

- SCCPC budget - Can be used for any purpose
 - Use - Any purpose
 - Laws - (1) Section 60, 2017-2018 Appropriation Act, Part 1A; (2) Provisos 60.1 through 60.4 and 60.6 through 60.12, 2017-2018 S.C. Appropriation Act, Part 1B
- 6.74% of \$140 application fee for traffic education programs offered for magistrate and municipal level offenses
 - Use - Traffic education program operations only
 - Laws - S.C. Code Ann. Section 17-22-350(B) & (C)
- First \$450,000 of filing fees for motions in common pleas and family courts
 - Use - Drug court operations in third, fourth, and eleventh judicial circuits only
 - Laws - S.C. Code Ann. Section 8-21-320
- Conditional discharge fee (\$350 in general sessions court and \$150 in summary court)
 - Use - Drug court operations only, distributed per capita
 - Laws - S.C. Code Ann. Section 44-53-450(C)
- 18.50% of \$25 surcharge imposed on all fines, forfeitures, escheatments, or other monetary penalties imposed on all misdemeanor traffic offenses or non-traffic violations
 - Use - Any purpose
 - Laws - S.C. Code Ann. Section 14-1-212
- \$150 surcharge on all drug convictions
 - Use - Drug court operations only
 - Laws - S.C. Code Ann. Section 14-1-213

Greatest harm if not provided: Lack of these funds for operation.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None.

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

STRATEGIC PLAN, RESOURCE ALLOCATION, AND ASSOCIATED PERFORMANCE MEASURES

In the Program Evaluation Report, the **Committee asks an agency how it allocates its human and financial resources to accomplish its goals** (i.e., broad expression of a long-term priority) **and objectives** (i.e., specific, measurable and achievable description of an effort the agency is implementing to achieve a goal) in the agency's strategic plan.¹³⁰ The Committee also asks the agency to list any funds the agency spent or transferred not toward the agency's comprehensive strategic plan.

The agency did not list any funds being spent or transferred not directly toward the agency's strategic plan for fiscal year 2016-17.¹³¹ The agency also did not estimate any funds being spent or transferred not directly toward the agency's strategic plan in fiscal year 2017-18.¹³²

Tables 11.1 through 16.1 include an overview of the agency's strategic plan, resources allocated to its goals and objectives, and associated performance measures, if any.

Table 11.1. Strategic plan, Goal 1: Conduct research on and monitor Marine Species - strategies, objectives, and resource (human and financial) allocations.

GOAL 1 Protect the community by vigorously but fairly prosecuting those who violate the law

Responsible Employee(s): Determined by each individual circuit solicitor
Employee have input in budget? Yes.

Resources Utilized			
	2016-17		2017-18
<u>FTE equivalents utilized</u>	32	<u>FTE equivalents utilized</u>	32
<u>Total spent 133</u>	\$35,771,567* (97.23%)	<u>Total budgeted 134</u>	\$35,784,935* (97.22%)

*Table Note: All state funding provided for the accomplishment of Goal 1 is received by the SCCPC as pass-through funds to the solicitors' offices, and the SCCPC has no control over how that money is spent. None of the six SCCPC FTEs spend time on this goal (it is accomplished by the solicitors and their staff).

Strategies and Objectives

- Strategy 1.1 - Reduce the average time it takes to dispose of general sessions cases
 - Objective 1.1.1 - Solicitors continue to hire additional general session prosecutors with the additional funding that was provided in the FY 16-17 budget and continued in the FY 17-18 budget
 - Objective 1.1.2 - Reduce the average time it takes to dispose of general sessions cases
 - Objective 1.1.3 - Reduce the number of cases that have been pending for over 541 days
- Strategy 1.2 - Upgrade all solicitors' offices' prosecution case management systems, information technology storage and e-discovery
 - Objective 1.2.1 - Enable each solicitors' office to have a secure, cloud based, prosecution case management system, data storage and e-discovery platform
- Strategy 1.3 - Eliminate the practice of law enforcement officers prosecuting their own cases in magistrates or municipal court
 - Objective 1.3.1 - Hire additional prosecutors with the additional funding provided in the FY 16-17 and FY 17-18 budget so all domestic violence cases are handled by a prosecutor whether the cases are in general sessions court, magistrates, or municipal court.

Performance Measures

- Determined and tracked by each individual solicitor (none required in state law)

Table 12.1. Strategic plan, Goal 2, Strategy 2.1: Provide administrative support to the offices of solicitor.

GOAL 2 Provide quality support services to the offices of solicitor

Strategy 2.1 Provide administrative support to the offices of solicitor

Objective 2.1.1	Provide human resources assistance to each solicitor and administrative assistant (one per circuit)
Objective 2.1.2	Provide state budget support for the offices of solicitor
Objective 2.1.3	Coordinate administrative functions of the diversion programs of the offices of solicitor

Responsible Employee(s): Executive Director (Ms. Amie Clifford has covered since May 2018 while the agency searches for a new executive director)
 Ms. Tina Thompson (responsible for more than 3 years)
 Ms. Ellen Dubois (responsible less than 3 years)

Employee have input in budget? Yes, each of the responsible employees has input into the budget for Strategy 2.1

External Partner(s): Attorney General; Criminal Justice Academy; Judicial Department; S.C. Law Enforcement Division; Commission on Indigent Defense; Department of Public Safety; Department of Juvenile Justice; Department of Mental Health; law enforcement agencies; county and local governments

	<u>FTE equivalents utilized</u>	<u>Total spent¹³⁵ / budgeted¹³⁶</u>
2016-17	3 FTE	\$191,560 (0.52%)
2017-18	3 FTE	\$193,093 (0.52%)

Performance Measures

- No performance measures associated with Strategy 2.1.

Table 13.1. Strategic plan, Goal 2, Strategy 2.2: Enhance the professionalism and effectiveness of solicitors and their staff.

GOAL 2 Provide quality support services to the offices of solicitor

Strategy 2.2 Enhance the professionalism and effectiveness of solicitors and their staff

Objective 2.2.1	Conduct regular training for prosecutors and staff on a wide variety of topics
Objective 2.2.2	Provide technical assistance to prosecutors and staff
Objective 2.2.3	Provide timely legislative updates
Objective 2.2.4	Provide regular case law updates

Responsible Employee(s): Ms. Amie Clifford (responsible for more than 3 years)
Mr. Mark Rapoport (responsible for more than 3 years)
Mr. Mattison Gamble (responsible for more than 3 years)

Employee have input in budget? Yes, each of the responsible employees has input into the budget for Strategy 2.2

External Partner(s): Attorney General; Criminal Justice Academy; Judicial Department; S.C. Law Enforcement Division; Commission on Indigent Defense; Department of Public Safety; Department of Juvenile Justice; Department of Mental Health; law enforcement agencies; county and local governments

	<u>FTE equivalents utilized</u>	<u>Total spent¹³⁷ / budgeted¹³⁸</u>
2016-17	4 FTE	\$490,368 (1.33%)
2017-18	4 FTE	\$493,584 (1.34%)

Table 13.2. Performance measures associated with Strategy 2.2.

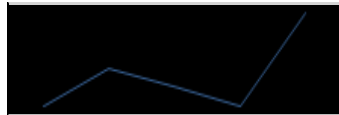
Performance Measure	Type of Measure		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Trainings held, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Output	<u>Target:</u>	DNE	15-20	15-20	15-20	15-20	15-20
		<u>Actual:</u>	21	21	22	26	24	<u>Trend Line</u> 
Persons trained, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Output	<u>Target:</u>	DNE	DNE	DNE	1,000	1,000	1,000
		<u>Actual:</u>	1,412	1,434	2,014	1,784	1,931	<u>Trend Line</u> 
Continuing education hours provided, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Output	<u>Target:</u>	DNE	DNE	DNE	100	100	100
		<u>Actual:</u>	143.17	159.4	151.75	142.75	184.65	<u>Trend Line</u> 

Table Note: For each measure, the agency identified which "type of measure" it considered the performance measure. "DNE" means did not exist.

Table 14.1. Strategic plan, Goal 2, Strategy 2.3: Work with S.C. Law Enforcement Division to write a new computer program that will modernize the pre-trial intervention database as well as add additional diversion databases.

GOAL 2 Provide quality support services to the offices of solicitor

Strategy 2.3 Work with S.C. Law Enforcement Division to write a new computer program that will modernize the pre-trial intervention database as well as add additional diversion databases

Objective 2.3.1	Complete the final stage of writing the computer program
Objective 2.3.2	Have users test the new databases once they are built and resolve any unforeseen issues
Objective 2.3.3	Migrate existing data into the new database

Responsible Employee(s): Executive Director (Ms. Amie Clifford has covered since May 2018 while the agency searches for a new executive director)

Employee have input in budget? Yes, the responsible employee has input into the budget for Strategy 2.3

External Partner(s): Attorney General; Criminal Justice Academy; Judicial Department; S.C. Law Enforcement Division; Commission on Indigent Defense; Department of Public Safety; Department of Juvenile Justice; Department of Mental Health; law enforcement agencies; county and local governments

	<u>FTE equivalents utilized</u>	<u>Total spent¹³⁹ / budgeted¹⁴⁰</u>
2016-17	1 FTE	\$212,169 (0.58%)
2017-18	1 FTE	\$215,204 (0.58%)

Performance Measures

- No performance measures associated with Strategy 2.3.

Table 15.1. Strategic plan, Goal 3, Strategy 3.1: Enable staff to perform job duties.

GOAL 3 Operate in an effective and efficient manner to enable staff to accomplish the mission of the agency

Strategy 3.1 Enable staff to perform job duties

Objective 3.1.1	Obtain sufficient funding for agency to operate
Objective 3.1.2	Provide administrative services
Objective 3.1.3	Provide sufficient resources for staff

Responsible Employee(s): Executive Director (Ms. Amie Clifford has covered since May 2018 while the agency searches for a new executive director)
Ms. Tina Thompson (responsible for more than 3 years)

Employee have input in budget? Yes, each of the responsible employees has input into the budget for Strategy 3.1

External Partner(s): Attorney General; Criminal Justice Academy; Judicial Department; S.C. Law Enforcement Division; Commission on Indigent Defense; Department of Public Safety; Department of Juvenile Justice; Department of Mental Health; law enforcement agencies; county and local governments

	<u>FTE equivalents utilized</u>	<u>Total spent¹⁴¹ / budgeted¹⁴²</u>
2016-17	2 FTE	\$37,792 (0.10%)
2017-18	2 FTE	\$38,002 (0.10%)

Performance Measures

- No performance measures associated with Strategy 3.1.

Table 16.1. Strategic plan, Goal 3, Strategy 3.2: Respond to inquiries and requests for assistance from the public (persons other than those covered by Goal 2).

GOAL 3 Operate in an effective and efficient manner to enable staff to accomplish the mission of the agency

Strategy 3.2 Respond to inquiries and requests for assistance from the public (persons other than those covered by Goal 2)

Objective 3.2.1	Timely and efficiently respond to requests from members of the public for documents (including subpoenas and Freedom of Information Requests)
Objective 3.2.2	Timely and efficiently respond to inquiries and requests for assistance from the General Assembly
Objective 3.2.3	Timely and efficiently respond to inquiries and requests for assistance from state, county, and local government agencies
Objective 3.2.4	Timely and efficiently respond to inquiries and requests for assistance from criminal justice-related non-governmental entities

Responsible Employee(s): Ms. Amie Clifford (responsible for more than 3 years)
Mr. Mark Rapoport (responsible for more than 3 years)
Mr. Mattison Gamble (responsible for more than 3 years)

Employee have input in budget? Yes, each of the responsible employees has input into the budget for Strategy 3.2

External Partner(s): Attorney General; Criminal Justice Academy; Judicial Department; S.C. Law Enforcement Division; Commission on Indigent Defense; Department of Public Safety; Department of Juvenile Justice; Department of Mental Health; law enforcement agencies; county and local governments

	<u>FTE equivalents utilized</u>	<u>Total spent¹⁴³ / budgeted¹⁴⁴</u>
2016-17	4 FTE	\$83,303 (0.23%)
2017-18	4 FTE	\$84,038 (0.23%)

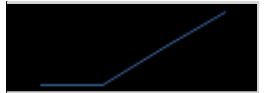
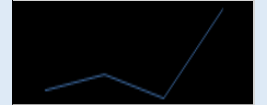
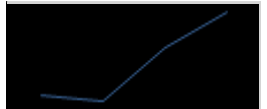
Performance Measures

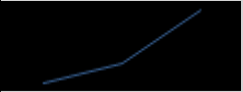
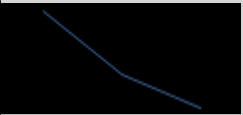
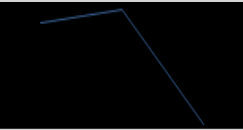
- No performance measures associated with Strategy 3.2.

OTHER PERFORMANCE MEASURES TRACKED BY THE AGENCY

Table 17 includes information on other performance measures the agency tracks, which the agency does not specifically associate with any aspect of its strategic plan.

Table 17. Other performance measures tracked by the agency.

Performance Measure	Type of Measure		<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
General sessions cases added, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	DNE	DNE	DNE
		<u>Actual:</u>	DNE	113,771	113,711	120,407	127,017	<u>Trend Line</u> 
General sessions cases disposed of, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Output	<u>Target:</u>	DNE	DNE	DNE	More than 114,891	More than 114,891	More than 114,981
		<u>Actual:</u>	DNE	115,763	117,281	114,891	123,915	<u>Trend Line</u> 
Cases pending in general sessions, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	Less than 113,168	Less than 113,168	Less than 113,168
		<u>Actual:</u>	DNE	105,933	104,947	113,168	118,860	<u>Trend Line</u> 

Performance Measure	Type of Measure		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
General sessions cases added, 3 year average of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	DNE	DNE	DNE
		<u>Actual:</u>	DNE	DNE	114,198	115,930	120,378	<u>Trend Line</u> 
Pending general sessions cases over 541 or 545 days old, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Output	<u>Target:</u>	DNE	DNE	DNE	Less than 19,486	Less than 19,486	Less than 19,486
		<u>Actual:</u>	DNE	DNE	20,590	19,486	18,897	<u>Trend Line</u> 
General sessions incoming cases assigned to a prosecutor during the previous three years, average number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	281	281	281
		<u>Actual:</u>	DNE	DNE	377	383	331	<u>Trend Line</u> 

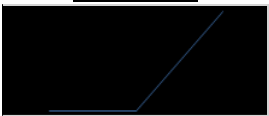
Performance Measure	Type of Measure		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Days, from arrest to disposition (resolution of a criminal charge, which may be either conviction, not guilty verdict, or dismissal), of a general sessions case, average number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Output	<u>Target:</u>	DNE	DNE	DNE	Less than 365	Less than 365	Less than 365
		<u>Actual:</u>	DNE	DNE	416	398	400	<u>Trend Line</u> 
Counties without an assigned prosecutor, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	0	0	0
		<u>Actual:</u>	DNE	DNE	DNE	3	0	<u>Trend Line</u> Not enough data to create a trend line
Full-time general sessions prosecutors, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	408	408	408
		<u>Actual:</u>	DNE	DNE	303	303	364 or less (some are part-time)	<u>Trend Line</u> 
Circuits with secure, cloud based, prosecution case management system, data storage and e-discovery platform, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	DNE	DNE	16
		<u>Actual:</u>	No Data	No Data	No Data	No Data	No Data	<u>Trend Line</u> Not enough data to create a trend line

Table Note: For each measure, the agency identified which "type of measure" it considered the performance measure. "DNE" means did not exist.

AGENCY RECOMMENDATIONS

In the Program Evaluation Report, the Committee asks the agency to provide a list of recommendations related to internal changes and changes in laws, which may improve the agency's efficiency and effectiveness, or update antiquated laws.¹⁴⁵ Below are the agency recommendations.

- Internal Agency Recommendation
 - #1: Electronic transfer of state appropriations/funds to Circuit Solicitors' Offices
- Law Recommendations
 - #1: S.C. Code Ann. 1-7-420. Assistant solicitor for first judicial circuit.
 - #2: S.C. Code Ann. 1-7-430. Additional assistant solicitor for first judicial circuit.
 - #3: S.C. Code Ann. 1-7-440. Assistant solicitor for third judicial circuit.
 - #4: S.C. Code Ann. 1-7-450. Assistant solicitor for fourth judicial circuit.
 - #5: S.C. Code Ann. 1-7-460. Assistant solicitors for fifth judicial circuit.
 - #6: S.C. Code Ann. 1-7-470. Assistant solicitor for seventh judicial circuit.
 - #7: S.C. Code Ann. 1-7-480. Assistant solicitor for eighth judicial circuit.
 - #8: S.C. Code Ann. 1-7-490. Assistant solicitors for ninth judicial circuit.
 - #9: S.C. Code Ann. 1-7-500. Assistant solicitor for tenth judicial circuit.
 - #10: S.C. Code Ann. 1-7-510. Assistant solicitor for thirteenth judicial circuit.
 - #11: S.C. Code Ann. 1-7-520. Assistant solicitor for fourteenth judicial circuit.
 - #12: S.C. Code Ann. 1-7-530. Assistant solicitor for sixteenth judicial circuit.
 - #13: S.C. Code Ann. 1-7-533. Special investigator for third judicial circuit.
 - #14: S.C. Code Ann. 1-7-540. Special investigator and assistant special investigator for ninth judicial circuit.
 - #15: S.C. Code Ann. 1-7-940. Duties
 - #16: S.C. Code Ann. 22-3-546. Establishment of program for prosecution of first offense misdemeanor criminal domestic violence offenses.

Internal Change #1: Electronic transfer of state appropriations/funds to Circuit Solicitors' Offices

To facilitate electronic transfer of state funds to Solicitors' Offices

- a. Stage of analysis: SCCPC has been exploring the feasibility of implementing the electronic transfer of state appropriations and funds to the 16 Circuit Solicitors' Offices. Currently, SCCPC has checks printed on a quarterly basis for each of the various funds that must be distributed. Those checks are then manually put into envelopes and mailed to the 16 Solicitors' Offices.
- b. Board/Commission approval: The Commission has not been notified of SCCCP's plan as of yet.
- c. Performance measures impacted and predicted impact: SCCPC believes this change will make the distribution of funds much more efficient and will greatly reduce the time it takes SCCPC staff to process checks.
- d. Impact on amount spent to accomplish the objective(s): A reduction in operating cost by SCCPC and the Treasurer's Office will be realized due to the elimination of paper checks, envelopes and postage.
- e. Anticipated implementation date: July 15, 2018.

Law Change Recommendation #1 - S.C. Code Ann. Section 1-7-420

Law	S.C. Code Ann. Section 1-7-420. Assistant solicitor for first judicial circuit.
Summary of Current Law	Provides that the Solicitor of the First Judicial Circuit may appoint a Dorchester County attorney as an assistant solicitor in Dorchester County, upon the approval of the local legislative delegation, whose term of office shall be coterminous with the Solicitor's, and that the salary and other expenses shall be covered by Dorchester County.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-420. Assistant solicitor for first judicial circuit. The solicitor of the first judicial circuit may, upon the approval of a majority of the Dorchester County legislative delegation, appoint an attorney who is a resident of Dorchester County as his assistant who shall perform any of the duties and functions imposed by law upon the circuit solicitor relating to Dorchester County. The term of the assistant solicitor shall be coterminous with that of the solicitor and he shall receive such compensation as may be provided by law. The compensation of the assistant solicitor and any other expenses incurred pursuant to the provisions of this section shall be borne by Dorchester County. In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996. HISTORY: 1962 Code Section 1-257.1:1; 1970 (56) 2073.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #2 - S.C. Code Ann. Section 1-7-430.	
Law	S.C. Code Ann. Section 1-7-430. Additional assistant solicitor for first judicial circuit.
Summary of Current Law	Provides the Solicitor of the First Judicial Circuit may appoint an attorney residing in the circuit to serve as an assistant solicitor at the pleasure of the solicitor, with the salary to be paid from funds provided by Public Law 90-351, The Omnibus Crime Control and Safe Streets Act of 1968, as amended.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-430. The solicitor of the first judicial circuit may appoint an assistant solicitor, who shall be a licensed attorney at law residing in the circuit, to serve at the pleasure of the solicitor and have such responsibility as the solicitor shall direct. The salary to be paid such assistant solicitor shall be paid from funds provided by Public Law 90-351, The Omnibus Crime Control and Safe Streets Act of 1968, as amended.</p> <p>HISTORY: 1962 Code Section 1-257.1:2; 1974 (58) 2989.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #3 - S.C. Code Ann. Section 1-7-440.	
Law	S.C. Code Ann. Section 1-7-440. Assistant solicitor for third judicial circuit.
Summary of Current Law	Provides the Solicitor of the Third Judicial Circuit may appoint an attorney residing in the circuit to serve as an assistant solicitor at the pleasure of the solicitor, with the salary to be paid from funds provided by Public Law 90-351, The Omnibus Crime Control and Safe Streets Act of 1968, as amended.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-440. Assistant solicitor for third judicial circuit. The solicitor of the third judicial circuit may appoint an assistant solicitor, who shall be a licensed attorney at law residing in the circuit, to serve at the pleasure of the solicitor and have such responsibility as the solicitor shall direct. The solicitor shall also determine the salary to be paid such assistant solicitor and such salary shall be paid from funds provided by Public Law 90-351, The Omnibus Crime Control and Safe Streets Act of 1968, as amended.</p> <p>HISTORY: 1962 Code Section 1-257.1:3; 1971 (57) 24.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #4 - S.C. Code Ann. Section 1-7-450.

Law	S.C. Code Ann. Section 1-7-450. Assistant solicitor for fourth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Fourth Judicial Circuit may appoint an attorney residing in the circuit to serve as an assistant solicitor, whose term of office shall be coterminous with the Solicitor's, and who shall receive a salary as provided by the General Assembly, one fourth of which shall be paid by each county of the circuit.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-450. Assistant solicitor for fourth judicial circuit. The solicitor of the fourth judicial circuit may appoint an attorney, who is a resident of the circuit, as an assistant solicitor, who shall perform such duties and functions as may be assigned him by the solicitor. His term shall be coterminous with that of the solicitor and he shall receive as compensation for his services such salary as may provided by the General Assembly, one fourth of which shall be paid by each county of the circuit.</p> <p>HISTORY: 1962 Code Section 1-257.2; 1966 (54) 2014.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #5 - S.C. Code Ann. Section 1-7-460.	
Law	S.C. Code Ann. Section 1-7-460. Assistant solicitors for fifth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Fifth Judicial Circuit may appoint competent attorneys residing in the circuit to serve as assistant solicitors, whose term of office shall be coterminous with the Solicitor's, and who shall receive a salary as provided by the respective county councils.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-460. Assistant solicitors for fifth judicial circuit. The circuit solicitor of the fifth judicial circuit may appoint competent attorneys, who are residents of the circuit, as assistant solicitors who shall perform any and all of the duties and functions imposed by law upon the circuit solicitor as the solicitor shall authorize, designate and direct. The solicitor shall designate in which county of the circuit such assistant solicitors shall perform their duties. The assistant solicitors shall be appointed by the solicitor to serve for the same term as the solicitor. The assistant solicitors performing services in Kershaw County shall receive as compensation for their services such annual salary as may be provided by the Kershaw County Council and the assistant solicitors performing services in Richland County shall receive as compensation for their services such annual salary as may be provided by the Richland County Council.</p> <p>HISTORY: 1962 Code Section 1-258; 1959 (48) 139; 1975 (59) 819.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #6-S.C. Code Ann. Section 1-7-470.	
Law	S.C. Code Ann. Section 1-7-470. Assistant solicitor for seventh judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Seventh Judicial Circuit may appoint a competent attorney residing in Spartanburg County to serve as assistant solicitor in Spartanburg County (and thereafter commissioned by the Governor), whose term of office shall be coterminous with the Solicitor's, and who shall receive a salary from Spartanburg County as provided by the General Assembly and \$800 per year for travel; the assistant solicitor shall appear and represent the State in magistrates' courts when requested by the sheriff's department or highway patrol located in Spartanburg County, and he shall prosecute appeals from magistrates' courts in that county.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-470. Assistant solicitor for seventh judicial circuit.</p> <p>The circuit solicitor of the seventh judicial circuit may appoint a competent attorney, who is a resident of Spartanburg County, as assistant solicitor. He shall perform any and all of the duties and functions now or hereafter imposed by law upon the circuit solicitor in Spartanburg County, as the solicitor of the circuit shall authorize, designate and direct. The assistant solicitor shall be appointed by the solicitor of the seventh judicial circuit and shall after appointment be commissioned by the Governor; provided, however, the solicitor of the seventh judicial circuit shall have the right to remove the assistant solicitor from office at his pleasure, and in no event can the assistant solicitor be appointed for a period beyond the term of office of the circuit solicitor. The assistant solicitor shall receive from Spartanburg County as compensation for his services such sum per year as may be provided by the General Assembly, payable the first and fifteenth of each month, and eight hundred dollars per year for travel.</p> <p>The assistant solicitor shall appear and represent the State in magistrates' courts when requested by the sheriff's department or the highway patrol located in Spartanburg County. He shall further prosecute appeals from magistrates' courts in that county.</p> <p>HISTORY: 1962 Code Section 1-260; 1953 (48) 401.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #7 - S.C. Code Ann. Section 1-7-480.	
Law	S.C. Code Ann. Section 1-7-480. Assistant solicitor for eighth judicial circuit.
Summary of Current Law	Creates in the Eighth Judicial Circuit Solicitor's Office an assistant solicitor position, with a salary equal to one half of that received by the solicitor and the same amount for expenses as the Solicitor, with each county in the circuit to pay its pro rata share of such salary and expense allowance.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-480. Assistant solicitor for eighth judicial circuit.</p> <p>There is hereby created the office of assistant solicitor for the eighth judicial circuit, the qualifications for which shall be the same as those of a solicitor. The assistant solicitor shall be appointed by and serve at the pleasure of the circuit solicitor and shall perform such duties as may be assigned to him by the solicitor.</p> <p>The assistant solicitor shall receive an annual salary equal to one half of that received by the solicitor. He shall also receive the same amount for expenses as received by the solicitor. Each county in the circuit shall pay its pro rata share of such salary and expense allowance based upon population according to the latest official United States census. Such amounts shall be paid monthly in equal payments by the treasurer of each county in the circuit from the general fund of the county.</p> <p>HISTORY: 1962 Code Section 1-260.01; 1970 (56) 2276.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #8 - S.C. Code Ann. Section 1-7-490.	
Law	S.C. Code Ann. Section 1-7-490. Assistant solicitors for ninth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Ninth Judicial Circuit may appoint seven competent attorneys residing in the circuit as assistant solicitors, six in Charleston County (two upon the approval of the local legislative delegation) and one in Berkeley County (upon the approval of the local legislative delegation); and provides for salaries to be paid by the respective counties.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-490. Assistant solicitors for ninth judicial circuit.</p> <p>The Circuit Solicitor for the Ninth Judicial Circuit may appoint seven competent attorneys, each of whom are residents of the circuit, as his assistants who shall perform any and all of the duties and functions now or hereafter imposed by law upon the circuit solicitor as the solicitor of the circuit shall authorize, designate and direct. The assistant circuit solicitors shall be designated in their appointment as first, second, third, fourth, fifth and sixth assistants for Charleston County and assistant circuit solicitor for Berkeley County. The first and second assistants shall enter upon their duties upon the approval of the majority of the Charleston County Legislative Delegation. The first assistant shall receive such compensation for his services as may be provided by law and the second assistant such compensation as may be provided by law to be paid by the County of Charleston. The third assistant shall receive such compensation for his services as may be provided by law, such compensation to be paid from federal funds or from funds appropriated by the Governing Body of Charleston County. The fourth assistant shall devote full time to his duties as assistant solicitor and shall receive such compensation for his services as may be provided by law to be paid from funds appropriated by the Governing Body of Charleston County. The fifth assistant shall receive such compensation for his services as may be provided by law to be paid from funds appropriated by the Governing Body of Charleston County. The sixth assistant shall devote full time to his duties as assistant solicitor and shall receive such compensation for his services as may be provided by law to be paid from funds appropriated by the Governing Body of Charleston County or from federal funds made available to the Governing Body of Charleston County for such purpose. The assistant circuit solicitor for Berkeley County shall enter upon his duties upon the approval of the majority of the Berkeley County Legislative Delegation and shall receive such compensation for his services as may be provided by law to be paid by the County of Berkeley.</p> <p>HISTORY: 1962 Code Section 1-260.1; 1952 (47) 2076; 1966 (54) 2154; 1969 (56) 2; 1975 (59) 74; 1975 (59) 574; 1976 Act No. 480, Section 1; 1976 Act No. 660, Section 1.</p>

Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #9 - S.C. Code Ann. Section 1-7-500.

Law	S.C. Code Ann. Section 1-7-500. Assistant solicitor for tenth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Tenth Judicial Circuit may appoint an attorney residing in the circuit as an assistant solicitor, upon the approval of the legislative delegation from Anderson and Oconee Counties, whose term of office shall not exceed that of the Solicitor; and provides for the salary and other compensation and how it is to be distributed between the two counties.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-500. Assistant solicitor for tenth judicial circuit. The solicitor of the tenth judicial circuit may employ a lawyer residing in his circuit to assist in performing the duties of his office. The term of office shall be at the pleasure of the solicitor; however, such term shall not extend beyond the term of office of the employing solicitor; provided, that the person named by the solicitor shall be confirmed by a majority of the members of the Anderson and Oconee delegations. The salary for the person provided by this section shall be such sum annually as may be provided by the General Assembly, to be paid as follows: Seventy per cent shall be paid by Anderson County and thirty per cent shall be paid by Oconee County and such sum shall be paid by the two counties in the same manner that county officers are paid by such counties. The assistant solicitor may receive from time to time such further compensation as the General Assembly may provide.</p> <p>HISTORY: 1962 Code Section 1-260.2; 1957 (50) 325.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #10 - S.C. Code Ann. Section 1-7-510.	
Law	S.C. Code Ann. Section 1-7-510. Assistant solicitor for thirteenth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Thirteenth Judicial Circuit may appoint a Greenville County attorney as a full-time assistant solicitor in Greenville County, whose term of office shall be coterminous with the Solicitor's, and that the salary and other expenses shall be covered by Greenville County.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-510. Assistant solicitor for thirteenth judicial circuit. The solicitor of the thirteenth judicial circuit may appoint an attorney who is a resident of Greenville County as his full time assistant who shall perform any of the duties and functions imposed by law upon the circuit solicitor relating to Greenville County. The term of the assistant solicitor shall be coterminous with that of the solicitor and he shall receive such compensation as may be provided by the county council for Greenville County. The compensation of the assistant solicitor and any other expenses incurred pursuant to the provisions of this section shall be borne by Greenville County.</p> <p>HISTORY: 1962 Code Section 1-260.6; 1973 (58) 219.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #11 - S.C. Code Ann. Section 1-7-520.	
Law	S.C. Code Ann. Section 1-7-520. Assistant solicitor for fourteenth judicial circuit.
Summary of Current Law	Creates in the Fourteenth Judicial Circuit Solicitor's Office an assistant solicitor position, with a salary equal to one half of that received by the solicitor and the same amount for expenses as the Solicitor, with each county in the circuit to pay its pro rata share of such salary and expense allowance.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-520. Assistant solicitor for fourteenth judicial circuit.</p> <p>There is hereby created the office of assistant solicitor for the fourteenth circuit, the qualifications for which shall be the same as those of a solicitor. The assistant solicitor shall be appointed by and serve at the pleasure of the circuit solicitor and shall perform such duties as may be assigned to him by the solicitor.</p> <p>The assistant solicitor shall receive an annual salary equal to one half of that received by the solicitor. He shall also receive the same amount for expenses as received by the solicitor. Each county in the circuit shall pay its pro rata share of such salary and expense allowance based upon population according to the latest official United States census. Such amounts shall be paid monthly in equal payments by the treasurer of each county in the circuit from the general fund of the county.</p> <p>HISTORY: 1962 Code Section 1-260.7; 1969 (56) 716.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #12 - S.C. Code Ann. Section 1-7-530.	
Law	S.C. Code Ann. Section 1-7-530. Assistant solicitor for sixteenth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Thirteenth Judicial Circuit may appoint an attorney residing in the circuit as a full-time assistant solicitor for a term of one year, and the salary and other expenses shall be covered by Union and York Counties.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-530. Assistant solicitor for sixteenth judicial circuit. The solicitor of the sixteenth judicial circuit may appoint an attorney who is a resident of the circuit as an assistant solicitor who shall perform such duties and functions as may be assigned to him by the solicitor. The term of office shall be for a period of one year and the assistant solicitor shall receive for his services such compensation as is provided for in the appropriations acts of Union and York Counties.</p> <p>HISTORY: 1962 Code Section 1-260.9; 1971 (57) 26.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #13 - S.C. Code Ann. Section 1-7-533.

Law	S.C. Code Ann. Section 1-7-533. Special investigator for third judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Third Judicial Circuit may appoint a special investigator, who may carry a handgun while engaged in official duties, who is required to post a bond and who will be commissioned by the Governor; he shall have the powers and duties as constables.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-533. Special investigator for third judicial circuit. The solicitor of the third judicial circuit may appoint a special investigator to serve at the pleasure of the solicitor and have such responsibility as the solicitor shall direct. The solicitor shall determine the salary to be paid the investigator which shall be paid from such funds as may be provided by law. The investigator, while engaged in official duties of his office, is authorized to carry a pistol or other handgun. He shall give a bond in the sum of two thousand dollars which shall be in the same form and under the same conditions as required for police officers. He shall be commissioned by the Governor and shall have all the powers and duties provided for constables in Section 23-1-60, Code of Laws of South Carolina, 1976, and shall be a "police officer" as defined in Section 9-11-10.</p> <p>HISTORY: 1976 Act No. 491, Section 1.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #14 - S.C. Code Ann. Section 1-7-540.

Law	S.C. Code Ann. Section 1-7-540. Special investigator and assistant special investigator for ninth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Ninth Judicial Circuit may appoint two competent circuit residents to serve as special investigator and assistant special investigator, whose term shall not exceed that of the Solicitor; they may carry a handgun while engaged in official duties, must post a bond and be commissioned by the Governor, and shall have the powers and duties as constables; their salaries shall be covered by Charleston County and the special investigator shall receive a spending allowance of not less than \$1,500.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds.</p>
Agency's Recommended Language	<p>SECTION 1-7-540. Special investigator and assistant special investigator for ninth judicial circuit. The circuit solicitor for the ninth judicial circuit may appoint two competent residents of the circuit who shall be designated as special investigator and assistant special investigator for his office. The special investigator and assistant special investigator shall work under the direction of the solicitor as full time employees. Their appointment shall be for a period not exceeding the term for which the solicitor was elected. The special investigator and assistant special investigator shall each give a bond in the sum of two thousand dollars, which shall be in the same form and provide the same conditions as required by law of peace officers. The special investigator and assistant special investigator shall be commissioned by the Governor and shall have all the powers, rights and duties, within the ninth judicial circuit, as any State constable, as provided in Section 23-1-60. The special investigator and assistant special investigator shall be "police officers," as defined in Section 9-11-10. The special investigator shall receive such salary as may be provided by law, and an expense allowance of not less than fifteen hundred dollars, such sums to be paid by the Governing Body of Charleston County. The assistant special investigator shall receive such compensation for his services as may be provided by law, such compensation to be paid from federal funds or from funds appropriated by the Governing Body of Charleston County.</p> <p>HISTORY: 1962 Code Section 1-260.3; 1966 (54) 2155; 1969 (56) 656; 1975 (59) 74.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #15 - S.C. Code Ann. Section 1-7-940.

Law	S.C. Code Ann. Section 1-7-940. Duties.
Summary of Current Law	Outlines the duties of SCCPC: (1) coordinate all administrative functions of the Solicitors' offices and any affiliate services; (2) submit the budgets of the Solicitors and their affiliate services to the General Assembly; (3) encourage and develop legal education programs and training programs for solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, act as a clearinghouse and distribution source for publications involving solicitors and their affiliate services, and provide legal updates on matters of law affecting prosecution of criminal cases; and (4) provide blank indictments for the Solicitors.
Agency's Rationale for Revision	Modify to delete (A)(4); unnecessary because the Offices of Solicitor do not use preprinted forms, but instead generate indictments on their computers.
Agency's Recommended Language	SECTION 1-7-940. Duties. (A) The commission has the following duties: (1) coordinate all administrative functions of the offices of the solicitors and any affiliate services operating in conjunction with the solicitors' offices; (2) submit the budgets of the solicitors and their affiliate services to the General Assembly; <u>and</u> (3) encourage and develop legal education programs and training programs for solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and act as a clearinghouse and distribution source for publications involving solicitors and their affiliate services and provide legal updates on matters of law affecting the prosecution of cases in this State; (4) provide blank indictments for the circuit solicitors. (B) Nothing in this section may be construed to displace or otherwise affect the functions and responsibilities of the State Victim/Witness Assistance Program as established in Section 16-3-1410.
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #16 - S.C. Code Ann. Section 22-3-546.

Law	S.C. Code Ann. Section 22-3-546. Establishment of program for prosecution of first offense misdemeanor criminal domestic violence offenses.
Summary of Current Law	Provides that Solicitors with five or more counties may establish program for first offense CDV charges so that they may be tried in General Sessions Court instead of the summary courts, and requires that the results of any such programs be submitted to SCCPC.
Agency's Rationale for Revision	<p>Eliminate; statute only applies to first offense CDV (which carried 30 days and was triable in the Summary Court) and to only one judicial circuit; unnecessary in light of replacement of crime of CDV with tiered crimes of DV, and S.C. Code Section 16-25-20(D)(1), which increased the penalty such that the lowest degree of DV (3rd degree) must be prosecuted in General Sessions Court unless the Solicitor decides to prosecute them in the Summary Court.</p> <p>SECTION 16-25-20. Acts prohibited; penalties.</p> <p>(D) A person commits the offense of domestic violence in the third degree if the person violates subsection (A).</p> <p>(1) A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned not more than ninety days, or both. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, an offense pursuant to the provisions of this subsection may be tried in summary court.</p> <p>(A) It is unlawful to:</p> <p>(1) cause physical harm or injury to a person's own household member; or</p> <p>(2) offer or attempt to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril.</p>
Agency's Recommended Language	<p>Title 22 - Magistrates and Constables</p> <p>Article 5 - Criminal Jurisdiction</p> <p>SECTION 22-3-546. Establishment of program for prosecution of first offense misdemeanor criminal domestic violence offenses.</p> <p>A circuit solicitor, in a circuit with five or more counties, may establish a program under his discretion and control, to prosecute first offense misdemeanor criminal domestic violence offenses, as defined in Section 16-25-20, in general sessions court. Whether to establish a program, and which cases may be prosecuted in general sessions court, are within the sole discretion of the solicitor. A solicitor shall report the results of the program to the Prosecution Coordination Commission.</p> <p>HISTORY: 2006 Act No. 366, Section 2, eff June 9, 2006.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

APPENDICES

Appendix A. Funding of Solicitors' Offices

FY 2015-16 Funding

Circuit	County Name	County Funds	Municipal Funds	Other Funds	State Funds	Grants	Total Funding	Notes
1	Calhoun	\$ 60,000.00	\$ -	\$ -	\$ -	\$ -	\$ 60,000.00	
1	Dorchester	\$ 768,050.00	\$ -	\$ 587,924.00	\$ 321,490.00	\$ 73,210.00	\$ 1,750,674.00	
1	Orangeburg	\$ 634,288.00	\$ -	\$ -	\$ -	\$ -	\$ 634,288.00	
	Circuit Total	\$ 1,462,338.00	\$ -	\$ 587,924.00	\$ 321,490.00	\$ 73,210.00	\$ 2,444,962.00	
2	Aiken	\$ 1,436,638.00	\$ -	\$ 292,500.00	\$ 912,859.00	\$ 49,500.00	\$ 2,691,497.00	
2	Bamberg	\$ 81,726.00	\$ -	\$ -	\$ -	\$ -	\$ 81,726.00	
2	Barnwell	\$ 130,000.00	\$ -	\$ -	\$ -	\$ -	\$ 130,000.00	
	Circuit Total	\$ 1,648,364.00	\$ -	\$ 292,500.00	\$ 912,859.00	\$ 49,500.00	\$ 2,903,223.00	
3	Clarendon	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
3	Lee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
3	Sumter	\$ 483,479.00	\$ -	\$ 115,247.00	\$ 1,220,070.81	\$ -	\$ 1,818,796.81	All revenue for the circuit handled by Sumter County.
3	Williamsburg	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Circuit Total	\$ 483,479.00	\$ -	\$ 115,247.00	\$ 1,220,070.81	\$ -	\$ 1,818,796.81	
4	Chesterfield	\$ 147,178.00	\$ -	\$ -	\$ -	\$ -	\$ 147,178.00	
4	Darlington	\$ 137,200.00	\$ -	\$ -	\$ -	\$ -	\$ 137,200.00	
4	Dillon	\$ 90,000.00	\$ -	\$ -	\$ -	\$ -	\$ 90,000.00	
4	Marlboro	\$ 89,000.00	\$ -	\$ -	\$ -	\$ -	\$ 89,000.00	
	Circuit Total	\$ 463,378.00	\$ -	\$ -	\$ 1,554,230.00	\$ -	\$ 2,017,608.00	Circuit also provided a breakdown of state funding into specific categories.

FY 2015-16 Funding

Circuit	County Name	County Funds	Municipal Funds	Other Funds	State Funds	Grants	Total Funding	Notes
5	Kershaw	\$ 260,000.00	\$ 215,817.00	\$ 1,260,935.01	\$ 1,556,604.01	\$ -	\$ 3,293,356.02	
5	Richland	\$ 4,073,295.70	\$ -	\$ -	\$ -	\$ 519,878.00	\$ 4,593,173.70	
Circuit Total		\$ 4,333,295.70	\$ 215,817.00	\$ 1,260,935.01	\$ 1,556,604.01	\$ 519,878.00	\$ 7,886,529.72	
6	Chester	\$ 100,980.00	\$ -	\$ 27,773.00	\$ 683,551.54	\$ 183,668.00	\$ 995,972.54	
6	Fairfield	\$ 77,000.00	\$ -	\$ 21,871.80	\$ -	\$ -	\$ 98,871.80	
6	Lancaster	\$ 332,000.00	\$ -	\$ 83,395.00	\$ -	\$ -	\$ 415,395.00	
Circuit Total		\$ 509,980.00	\$ -	\$ 133,039.80	\$ 683,551.54	\$ 183,668.00	\$ 1,510,239.34	
7	Cherokee	\$ 63,107.03	\$ -	\$ -	\$ -	\$ -	\$ 63,107.03	
7	Spartanburg	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Circuit Total		\$ 63,107.03	\$ -	\$ -	\$ -	\$ -	\$ 63,107.03	
8	Abbeville	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
8	Greenwood	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
8	Laurens	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
8	Newberry	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Circuit Total		\$ 782,505.00	\$ -	\$ 400,617.08	\$ 901,772.53	\$ 102,928.00	\$ 2,187,822.61	
9	Berkeley	\$ 1,310,586.43	\$ -	\$ 238,707.95	\$ 284,881.80	\$ -	\$ 1,834,176.18	
9	Charleston	\$ 5,736,980.18	\$ 183,489.40	\$ 723,065.72	\$ 1,624,255.47	\$ 332,947.54	\$ 8,600,738.31	
Circuit Total		\$ 7,047,566.61	\$ 183,489.40	\$ 961,773.67	\$ 1,909,137.27	\$ 332,947.54	\$ 10,434,914.49	
10	Anderson	\$ 1,554,171.44	\$ -	\$ 382,827.70	\$ 745,917.70	\$ -	\$ 2,682,916.84	
10	Oconee	\$ 720,257.10	\$ -	\$ 91,892.34	\$ -	\$ -	\$ 812,149.44	
Circuit Total		\$ 2,274,428.54	\$ -	\$ 474,720.04	\$ 745,917.70	\$ -	\$ 3,495,066.28	

FY 2015-16 Funding

Circuit	County Name	County Funds	Municipal Funds	Other Funds	State Funds	Grants	Total Funding	Notes
11	Edgefield	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	No information provided by the counties or the circuit.
11	Lexington	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
11	McCormick	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
11	Saluda	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Circuit Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
12	Florence	\$ 1,116,131.00	\$ -	\$ 436,966.00	\$ 926,226.00	\$ -	\$ 2,479,323.00	
12	Marion	\$ -	\$ 35,488.00	\$ 12,225.00	\$ -	\$ -	\$ 47,713.00	
	Circuit Total	\$ 1,116,131.00	\$ 35,488.00	\$ 449,191.00	\$ 926,226.00	\$ -	\$ 2,527,036.00	
13	Greenville	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,753,105.58	
13	Pickens	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 953,611.00	
	Circuit Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,706,716.58	
14	Allendale	\$ 20,000.00	\$ -	\$ 2,265.00	\$ -	\$ -	\$ 22,265.00	
14	Beaufort	\$ 1,245,000.00	\$ 98,500.00	\$ 280,084.31	\$ 1,049,235.38	\$ 213,978.27	\$ 2,886,797.96	
14	Colleton	\$ 229,512.00	\$ -	\$ 49,302.67	\$ -	\$ -	\$ 278,814.67	
14	Hampton	\$ 87,540.00	\$ -	\$ 29,540.00	\$ -	\$ -	\$ 117,080.00	
14	Jasper	\$ 199,950.00	\$ 37,500.00	\$ 41,395.00	\$ -	\$ -	\$ 278,845.00	
	Circuit Total	\$ 1,782,002.00	\$ 136,000.00	\$ 402,586.98	\$ 1,049,235.38	\$ 213,978.27	\$ 3,583,802.63	
15	Georgetown	\$ 1,047,618.00	\$ -	\$ 99,249.50	\$ -	\$ -	\$ 1,146,867.50	
15	Horry	\$ 3,874,909.00	\$ -	\$ 1,683,502.79	\$ 969,162.11	\$ 423,362.00	\$ 6,950,935.90	
	Circuit Total	\$ 4,922,527.00	\$ -	\$ 1,782,752.29	\$ 969,162.11	\$ 423,362.00	\$ 8,097,803.40	

FY 2015-16 Funding

Circuit	County Name	County Funds	Municipal Funds	Other Funds	State Funds	Grants	Total Funding	Notes
16	Union	\$ 234,163.00		\$ 23,245.00		\$ -	\$ 257,408.00	
16	York	\$ 4,343,011.00	\$ 20,000.00	\$ 523,970.00	\$ 1,017,034.00	\$ -	\$ 5,904,015.00	
	Circuit Total	\$ 4,577,174.00	\$ 20,000.00	\$ 547,215.00	\$ 1,017,034.00	\$ -	\$ 6,161,423.00	
	Grand Total	\$ 31,466,275.88	\$590,794.40	\$ 7,408,501.87	\$ 13,767,290.35	\$ 1,899,471.81	\$ 55,132,334.31	

FY 2016-17 Funding								
Circuit	County Name	County Funds	Municipal Funds	Other Funds	State Funds	Grants	Total Funding	Notes
1	Calhoun	\$ 95,000.00	\$ -	\$ 96,745.00	\$ -	\$ -	\$ 191,745.00	
1	Dorchester	\$ 768,050.00	\$ -	\$ 950,874.00	\$ 321,490.00	\$ 94,901.00	\$ 2,135,315.00	
1	Orangeburg	\$ 654,288.00	\$ -	\$ -	\$ -	\$ -	\$ 654,288.00	
	Circuit Total	\$ 1,517,338.00	\$ -	\$ 1,047,619.00	\$ 321,490.00	\$ 94,901.00	\$ 2,981,348.00	
2	Aiken	\$ 1,586,668.00	\$ -	\$ 303,867.00	\$ 1,396,009.00	\$ 3,100.00	\$ 3,289,644.00	
2	Bamberg	\$ 81,726.00	\$ -	\$ -	\$ -	\$ -	\$ 81,726.00	
2	Barnwell	\$ 130,000.00	\$ -	\$ -	\$ -	\$ -	\$ 130,000.00	
	Circuit Total	\$ 1,798,394.00	\$ -	\$ 303,867.00	\$ 1,396,009.00	\$ 3,100.00	\$ 3,501,370.00	
3	Clarendon	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Sumter County handles all finances for the circuit.
3	Lee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
3	Sumter	\$ 1,524,215.87	\$ -	\$ 107,505.00	\$ 272,625.07	\$ -	\$ 1,904,345.94	
3	Williamsburg	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Circuit Total	\$ 1,524,215.87	\$ -	\$ 107,505.00	\$ 272,625.07	\$ -	\$ 1,904,345.94	
4	Chesterfield	\$	147,178.00	\$ -	\$ -	\$ -	\$ 147,178.00	Circuit also provided breakdown of state funding by revenue source
4	Darlington	\$	137,200.00	\$ -	\$ -	\$ -	\$ 137,200.00	
4	Dillon	\$	90,000.00	\$ -	\$ -	\$ -	\$ 90,000.00	
4	Marlboro	\$	89,000.00	\$ -	\$ -	\$ -	\$ 89,000.00	
	Circuit Total	\$	463,378.00		\$ 1,791,246.00	\$ -	\$ 2,254,624.00	

FY 2016-17 Funding

Circuit	County Name	County Funds	Municipal Funds	Other Funds	State Funds	Grants	Total Funding	Notes
5	Kershaw	\$ 320,000.00	\$ 215,817.00	\$ 1,108,884.95	\$ 2,495,428.34	\$ -	\$ 4,140,130.29	
5	Richland	\$ 4,508,211.06		\$ -	\$ -	\$ 679,135.00	\$ 5,187,346.06	
	Circuit Total	\$ 4,828,211.06	\$ 215,817.00	\$ 1,108,884.95	\$ 2,495,428.34	\$ 679,135.00	\$ 9,327,476.35	
6	Chester	\$ 105,980.00	\$ -	\$ 62,680.00	\$ 1,150,695.60	\$ 288,137.29	\$ 1,607,492.89	
6	Fairfield	\$ 77,000.00	\$ -	\$ 15,055.00	\$ -	\$ -	\$ 92,055.00	
6	Lancaster	\$ 343,985.00	\$ -	\$ 102,814.70	\$ -	\$ -	\$ 446,799.70	
	Circuit Total	\$ 526,965.00	\$ -	\$ 180,549.70	\$ 1,150,695.60	\$ 288,137.29	\$ 2,146,347.59	
7	Cherokee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
7	Spartanburg	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	Circuit Total	\$ -	\$ -	\$ 1,340,720.26	\$ -	\$ -	\$ 1,340,720.26	Circuit also provided breakdown by revenue source
8	Abbeville	\$ 41,200.00	\$ -	\$ -	\$ -	\$ -	\$ 41,200.00	
8	Greenwood	\$ 357,438.00	\$ -	\$ 340,751.15	\$ 1,689,518.50	\$ 241,878.00	\$ 2,629,585.65	
8	Laurens	\$ 262,000.00	\$ -	\$ -	\$ -	\$ -	\$ 262,000.00	
8	Newberry	\$ 121,867.00	\$ -	\$ -	\$ -	\$ -	\$ 121,867.00	
	Circuit Total	\$ 782,505.00	\$ -	\$ 340,751.15	\$ 1,689,518.50	\$ 241,878.00	\$ 3,054,652.65	
9	Berkeley	\$ 1,446,610.66	\$ -	\$ 166,352.52	\$ 227,233.09	\$ -	\$ 1,840,196.27	
9	Charleston	\$ 5,817,221.16	\$ 4,115.64	\$ 730,991.84	\$ 2,517,520.82	\$ 670,247.00	\$ 9,740,096.46	
	Circuit Total	\$ 7,263,831.82	\$ 4,115.64	\$ 897,344.36	\$ 2,744,753.91	\$ 670,247.00	\$ 11,580,292.73	
10	Anderson	\$ 1,636,636.00	\$ -	\$ 264,506.00	\$ 1,565,473.00	\$ -	\$ 3,466,615.00	
10	Oconee	\$ 752,947.00	\$ -	\$ 116,381.00	\$ -	\$ -	\$ 869,328.00	
	Circuit Total	\$ 2,389,583.00	\$ -	\$ 380,887.00	\$ 1,565,473.00	\$ -	\$ 4,335,943.00	

FY 2016-17 Funding

Circuit	County Name	County Funds	Municipal Funds	Other Funds	State Funds	Grants	Total Funding	Notes
11	Edgefield	\$ 439,929.32	\$ -	\$ 3,500.00	\$ -	\$ -	\$ 443,429.32	
11	Lexington	\$ 2,535,181.66	\$ -	\$ 597,508.24	\$ -	\$ 31,913.00	\$ 3,164,602.90	
11	McCormick	\$ -	\$ -	\$ 1,050.00	\$ 2,088,010.52	\$ -	\$ 2,089,060.52	
11	Saluda	\$ -	\$ -	\$ 3,700.00	\$ -	\$ -	\$ 3,700.00	
	Circuit Total	\$ 2,975,110.98	\$ -	\$ 605,758.24	\$ 2,088,010.52	\$ 31,913.00	\$ 5,700,792.74	
12	Florence	\$ 1,116,131.00	\$ -	\$ 307,338.00	\$ 1,320,344.00	\$ 139,651.00	\$ 2,883,464.00	
12	Marion	\$ 35,488.00	\$ -	\$ 3,800.00	\$ -	\$ -	\$ 39,288.00	
	Circuit Total	\$ 1,151,619.00	\$ -	\$ 311,138.00	\$ 1,320,344.00	\$ 139,651.00	\$ 2,922,752.00	
13	Greenville	\$ 6,883,194.00	\$ -	\$ -	\$ -	\$ -	\$ 6,883,194.00	
13	Pickens	\$ 953,611.00	\$ -	\$ -	\$ -	\$ -	\$ 953,611.00	
	Circuit Total	\$ 7,836,805.00	\$ -	\$ -	\$ -	\$ -	\$ 7,836,805.00	Circuit also provided break down of revenue by service
14	Allendale	\$ 20,000.00	\$ -	\$ 6,668.25	\$ -	\$ -	\$ 26,668.25	
14	Beaufort	\$ 1,245,000.00	\$ 98,500.00	\$ 254,871.53	\$ 1,711,344.21	\$ 187,006.73	\$ 3,496,722.47	
14	Colleton	\$ 229,512.00	\$ -	\$ 46,609.15	\$ -	\$ -	\$ 276,121.15	
14	Hampton	\$ 87,540.00	\$ -	\$ 36,517.72	\$ -	\$ -	\$ 124,057.72	
14	Jasper	\$ 198,712.50	\$ 55,000.00	\$ 38,591.01	\$ -	\$ -	\$ 292,303.51	
	Circuit Total	\$ 1,780,764.50	\$ 153,500.00	\$ 383,257.66	\$ 1,711,344.21	\$ 187,006.73	\$ 4,215,873.10	
15	Georgetown	\$ 1,106,153.00	\$ -	\$ -	\$ -	\$ -	\$ 1,106,153.00	
15	Horry	\$ 4,073,607.98	\$ 970,895.68	\$ 53,738.85	\$ 1,390,049.27	\$ 876,199.00	\$ 7,364,490.78	
	Circuit Total	\$ 5,179,760.98	\$ 970,895.68	\$ 53,738.85	\$ 1,390,049.27	\$ 876,199.00	\$ 8,470,643.78	

FY 2016-17 Funding

Circuit	County Name	County Funds	Municipal Funds	Other Funds	State Funds	Grants	Total Funding	Notes
16	Union	\$ 252,840.00	\$ -	\$ 20,015.00	\$ 196,391.00	\$ -	\$ 469,246.00	
16	York	\$ 4,583,693.00	\$ 40,000.00	\$ 519,315.00	\$ 1,572,892.00	\$ -	\$ 6,715,900.00	
	Circuit Total	\$ 4,836,533.00	\$ 40,000.00	\$ 539,330.00	\$ 1,769,283.00	\$ -	\$ 7,185,146.00	

Grand Total \$ 44,855,015.21 \$ 1,384,328.32 \$ 7,601,351.17 \$ 21,706,270.42 \$ 3,212,168.02 \$ 78,759,133.14

Appendix B. Expenditures of Solicitors' Offices

FY 2015-16 Expenses									
CIRCUIT	County Name	Employee Salaries	Fringe	Operating Expenses	Other	Total Expenses	Total Revenue	Difference	Notes
1	CALHOUN	\$98,683	\$33,838	\$0	\$0	\$132,521	\$60,000	-\$72,521	
1	DORCHESTER	\$854,347	\$254,389	\$143,030	\$0	\$1,251,766	\$1,750,674	\$498,908	
1	ORANGEBURG	\$889,219	\$264,773	\$148,868	\$0	\$1,302,860	\$634,288	-\$668,572	
	Circuit Total	\$1,842,249	\$553,000	\$291,898	\$0	\$2,687,147	\$2,444,962	-\$242,185	
2	AIKEN	\$1,825,638	\$580,895	\$607,352	\$0	\$3,013,885	\$2,691,497	-\$322,388	
2	BAMBERG	\$82,786	\$26,936	\$5,600	\$0	\$115,322	\$81,726	-\$33,596	
2	BARNWELL	\$226,965	\$63,676	\$16,526	\$0	\$307,167	\$130,000	-\$177,167	
	Circuit Total	\$2,135,389	\$671,507	\$629,478	\$0	\$3,436,374	\$2,903,223	-\$533,151	
3	CLARENDON	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
3	LEE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
3	SUMTER	\$1,164,890	\$391,633	\$141,700	\$0	\$1,698,223	\$1,818,797	\$120,574	
3	WILLIAMSBURG	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
	Circuit Total	\$1,164,890	\$391,633	\$141,700	\$0	\$1,698,223	\$1,818,797	\$120,574	
4	CHESTERFIELD	\$0	\$0	\$0	\$0	\$0	\$147,178	\$147,178	
4	DARLINGTON	\$0	\$0	\$0	\$0	\$0	\$137,200	\$137,200	
4	DILLON	\$0	\$0	\$0	\$0	\$0	\$90,000	\$90,000	
4	MARLBORO	\$0	\$0	\$0	\$0	\$0	\$89,000	\$89,000	
	Circuit Total	\$1,014,884	\$396,307	\$327,580		\$1,738,771	\$2,017,608	\$278,837	Circuit also provided breakdown of operational expenses
5	KERSHAW	\$2,390,701	\$623,525	\$847,666	\$0	\$3,861,893	\$3,293,356	-\$568,537	
5	RICHLAND	\$3,059,757	\$588,846	\$424,693	\$0	\$4,073,296	\$4,593,174	\$519,878	
	Circuit Total	\$5,450,458	\$1,212,371	\$1,272,360	\$0	\$7,935,188	\$7,886,530	-\$48,659	

FY 2015-16 Expenses

CIRCUIT	County Name	Employee Salaries	Fringe	Operating Expenses	Other	Total Expenses	Total Revenue	Difference	Notes
6	CHESTER	\$0	\$0	\$0	\$0	\$0	\$995,973	\$995,973	
6	FAIRFIELD	\$0	\$0	\$0	\$0	\$0	\$98,872	\$98,872	
6	LANCASTER	\$0	\$0	\$0	\$0	\$0	\$415,395	\$415,395	
	Circuit Total	\$1,258,260	\$0	\$188,584	\$55,806	\$1,502,650	\$1,510,239	\$7,590	Note: Chester county handles all finances for the circuit.
7	CHEROKEE	\$42,464	\$12,143	\$8,500	\$0	\$63,107	\$63,107	\$0	
7	SPARTANBURG	\$2,645,403	\$929,144	\$152,877	\$0	\$3,727,424	\$0	-\$3,727,424	
	Circuit Total	\$2,687,867	\$941,287	\$161,377	\$0	\$3,790,531	\$63,107	-\$3,727,424	Circuit also provided breakdown of other expenses - victim services, grant funded equipment (not listed in this chart).
8	ABBEVILLE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
8	GREENWOOD	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
8	LAURENS	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
8	NEWBERRY	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
	Circuit Total	\$152,296,181	\$449,176	\$264,669	\$0	\$153,010,026	\$2,187,823	-\$150,822,203	Note: Financials for 8th Circuit provided as a lump sum; no indication of which county handles finances for the circuit.
9	BERKELEY	\$1,233,671	\$455,262	\$98,943	\$0	\$1,787,876	\$1,834,176	\$46,300	
9	CHARLESTON	\$5,549,911	\$2,133,080	\$569,571	\$0	\$8,252,561	\$8,600,738	\$348,177	
	Circuit Total	\$6,783,582	\$2,588,342	\$668,514	\$0	\$10,040,438	\$10,434,914	\$394,477	

FY 2015-16 Expenses

CIRCUIT	County Name	Employee Salaries	Fringe	Operating Expenses	Other	Total Expenses	Total Revenue	Difference	Notes
10	ANDERSON	\$2,010,773	\$676,601	\$598,030	\$0	\$3,285,405	\$2,682,917	-\$602,488	
10	OCONEE	\$579,287	\$196,528	\$61,324	\$25,427	\$862,566	\$812,149	-\$50,416	
	Circuit Total	\$2,590,060	\$873,129	\$659,355	\$25,427	\$4,147,971	\$3,495,066	-\$652,904	
11	EDGEFIELD	\$0	\$0	\$0	\$0	\$0	\$0	\$0	No information provided by the counties or the circuit.
11	LEXINGTON	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
11	McCORMICK	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
11	SALUDA	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
	Circuit Total	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
12	FLORENCE	\$1,732,234	\$540,621	\$250,832	\$0	\$2,523,687	\$2,479,323	-\$44,364	
12	MARION	\$0	\$0	\$0	\$0	\$0	\$47,713	\$47,713	
	Circuit Total	\$1,732,234	\$540,621	\$250,832	\$0	\$2,523,687	\$2,527,036	\$3,349	
13	GREENVILLE	\$6,508,876		\$244,230	\$0	\$6,753,106	\$6,753,106	\$0	County also provided breakdown of expenses by service provided (not listed in this chart).
13	PICKENS	\$927,608		\$26,003	\$0	\$953,611	\$953,611	\$0	
	Circuit Total	\$7,436,484	\$0	\$270,233	\$0	\$7,706,717	\$7,706,717	\$0	
14	ALLENDALE	\$110,267	\$29,879	\$2,195	\$0	\$142,341	\$22,265	-\$120,076	County also provided breakdown of other expenses
14	BEAUFORT	\$1,330,199	\$494,328	\$596,835	\$340,981	\$2,762,342	\$2,886,798	\$124,456	
14	COLLETON	\$239,319	\$68,282	\$6,041	\$0	\$313,642	\$278,815	-\$34,827	
14	HAMPTON	\$145,320	\$44,008	\$5,454	\$0	\$194,782	\$117,080	-\$77,702	
14	JASPER	\$284,244	\$109,850	\$6,907	\$0	\$401,002	\$278,845	-\$122,157	
	Circuit Total	\$2,109,350	\$746,346	\$617,432	\$340,981	\$3,814,109	\$3,583,803	-\$230,306	

FY 2015-16 Expenses									
CIRCUIT	County Name	Employee Salaries	Fringe	Operating Expenses	Other	Total Expenses	Total Revenue	Difference	Notes
15	GEORGETOWN	\$708,080	\$250,796	\$88,742	\$0	\$1,047,618	\$1,146,868	\$99,250	
15	HORRY	\$2,519,161	\$877,933	\$477,816	\$0	\$3,874,910	\$6,950,936	\$3,076,026	
	Circuit Total	\$3,227,241	\$1,128,729	\$566,558	\$0	\$4,922,528	\$8,097,803	\$3,175,276	
16	UNION	\$256,043	\$71,114	\$5,400	\$0	\$332,557	\$257,408	-\$75,149	
16	YORK	\$3,738,467	\$1,006,865	\$950,764	\$0	\$5,696,096	\$5,904,015	\$207,919	
	Circuit Total	\$3,994,510	\$1,077,979	\$956,164	\$0	\$6,028,653	\$6,161,423	\$132,770	
	Grand Total	\$195,723,637	\$11,570,427	\$7,266,733	\$422,214	\$214,983,011	\$55,132,334	-\$159,850,677	

Table Note: Circuits showing a deficit balance used carry forward/accumulated funds from previous years to provide additional revenue

FY 2016-17 Expenses

CIRCUIT	County Name	Employee Salaries	Fringe	Operating Expenses	Other	Total Expenses	Total Revenue	Difference	Notes
1	CALHOUN	\$95,000	\$40,285	\$0	\$0	\$135,285	\$191,745	\$56,460	
1	DORCHESTER	\$854,586	\$269,435	\$141,531	\$0	\$1,265,552	\$2,135,315	\$869,763	
1	ORANGEBURG	\$889,570	\$280,432	\$147,311	\$0	\$1,317,313	\$654,288	-\$663,025	
	Circuit Total	\$1,839,156	\$590,152	\$288,842	\$0	\$2,718,150	\$2,981,348	\$263,198	
2	AIKEN	\$2,253,404	\$708,907	\$545,279	\$0	\$3,507,590	\$3,289,644	-\$217,946	Aiken County handles all expenditures for the circuit.
2	BAMBERG	\$0	\$0	\$0	\$0	\$0	\$81,726	\$81,726	
2	BARNWELL	\$0	\$0	\$0	\$0	\$0	\$130,000	\$130,000	
	Circuit Total	\$2,253,404	\$708,907	\$545,279	\$0	\$3,507,590	\$3,501,370	-\$6,220	
3	CLARENDON	\$0	\$0	\$0	\$0	\$0	\$0	\$0	Sumter County handles all finances for the circuit.
3	LEE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
3	SUMTER	\$1,196,129	\$430,022	\$172,942	\$149,132	\$1,948,225	\$1,904,346	-\$43,879	
3	WILLIAMSBURG	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
	Circuit Total	\$1,196,129	\$430,022	\$172,942	\$149,132	\$1,948,225	\$1,904,346	-\$43,879	
4	CHESTERFIELD	\$0	\$0	\$0	\$0	\$0	\$147,178	\$147,178	Circuit also provided a breakdown of operational expenses to include office supplies, automobile maintenance, etc (not listed in this chart).
4	DARLINGTON	\$0	\$0	\$0	\$0	\$0	\$137,200	\$137,200	
4	DILLON	\$0	\$0	\$0	\$0	\$0	\$90,000	\$90,000	
4	MARLBORO	\$0	\$0	\$0	\$0	\$0	\$89,000	\$89,000	
	Circuit Total	\$1,172,156	\$412,993	\$387,003	\$0	\$1,972,152	\$2,254,624	\$282,472	
5	KERSHAW	\$2,321,190	\$627,158	\$969,562	\$0	\$3,917,910	\$4,140,130	\$222,221	
5	RICHLAND	\$3,234,742	\$642,087	\$393,063	\$0	\$4,269,892	\$5,187,346	\$917,454	
	Circuit Total	\$5,555,932	\$1,269,245	\$1,362,625	\$0	\$8,187,802	\$9,327,476	\$1,139,675	

FY 2016-17 Expenses

CIRCUIT	County Name	Employee Salaries	Fringe	Operating Expenses	Other	Total Expenses	Total Revenue	Difference	Notes
6	CHESTER	\$1,302,685	\$399,539	\$275,597	\$44,132	\$2,021,953	\$1,607,493	-\$414,460	
6	FAIRFIELD	\$0	\$0	\$0	\$0	\$0	\$92,055	\$92,055	
6	LANCASTER	\$0	\$0	\$0	\$0	\$0	\$446,800	\$446,800	
	Circuit Total	\$1,302,685	\$399,539	\$275,597	\$44,132	\$2,021,953	\$2,146,348	\$124,395	Circuit also provided a breakdown of other expenses - victim services, grant funded equipment (not listed in this chart).
7	CHEROKEE	\$3,245,254	\$1,325,515	\$284,975	\$0	\$4,855,744	\$0	-\$4,855,744	
7	SPARTANBURG	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
	Circuit Total	\$3,245,254	\$1,325,515	\$284,975	\$0	\$4,855,744	\$1,340,720	-\$3,515,023	
8	ABBEVILLE	\$0	\$0	\$0	\$0	\$0	\$41,200	\$41,200	
8	GREENWOOD	\$2,380,447	\$0	\$312,258	\$0	\$2,692,705	\$2,629,586	-\$63,120	Expenditures for the circuit handled by Greenwood County.
8	LAURENS	\$0	\$0	\$0	\$0	\$0	\$262,000	\$262,000	
8	NEWBERRY	\$0	\$0	\$0	\$0	\$0	\$121,867	\$121,867	
	Circuit Total	\$2,380,447	\$0	\$312,258	\$0	\$2,692,705	\$3,054,653	\$361,947	
9	BERKELEY	\$1,223,826	\$466,658	\$73,579	\$0	\$1,764,063	\$1,840,196	\$76,133	
9	CHARLESTON	\$6,021,926	\$2,359,604	\$739,296	\$227,233	\$9,348,059	\$9,740,096	\$392,037	
	Circuit Total	\$7,245,753	\$2,826,262	\$812,874	\$227,233	\$11,112,122	\$11,580,293	\$468,171	
10	ANDERSON	\$2,458,210	\$970,730	\$580,045	\$0	\$4,008,985	\$3,466,615	-\$542,370	
10	OCONEE	\$565,739	\$232,274	\$129,980	\$0	\$927,993	\$869,328	-\$58,665	
	Circuit Total	\$3,023,949	\$1,203,004	\$710,025	\$0	\$4,936,978	\$4,335,943	-\$601,035	

FY 2016-17 Expenses

CIRCUIT	County Name	Employee Salaries	Fringe	Operating Expenses	Other	Total Expenses	Total Revenue	Difference	Notes
11	EDGEFIELD	\$1,054,929	\$301,351	\$149,412	\$0	\$1,505,693	\$443,429	-\$1,062,263	Edgefield County handles financials for "tri-county" area including Edgefield, McCormick and Saluda.
11	LEXINGTON	\$2,226,053	\$772,505	\$694,719	\$0	\$3,693,277	\$3,164,603	-\$528,675	
11	McCORMICK	\$0	\$0	\$0	\$0	\$0	\$2,089,061	\$2,089,061	
11	SALUDA	\$0	\$0	\$44,874	\$0	\$44,874	\$3,700	-\$41,174	
	Circuit Total	\$3,280,982	\$1,073,856	\$889,006	\$0	\$5,243,844	\$5,700,793	\$456,948	
12	FLORENCE	\$1,821,189	\$627,630	\$494,885	\$0	\$2,943,704	\$2,883,464	-\$60,240	Florence County handles all financial information for the circuit.
12	MARION	\$0	\$0	\$0	\$0	\$0	\$39,288	\$39,288	
	Circuit Total	\$1,821,189	\$627,630	\$494,885	\$0	\$2,943,704	\$2,922,752	-\$20,952	
13	GREENVILLE	\$6,567,367	\$265,827	\$0	\$0	\$6,833,194	\$6,883,194	\$50,000	County also provided a breakdown of expenditures by service provided (not listed in this chart).
13	PICKENS	\$927,608	\$26,003	\$0	\$0	\$953,611	\$953,611	\$0	
	Circuit Total	\$7,494,975	\$291,830	\$0	\$0	\$7,786,805	\$7,836,805	\$50,000	
14	ALLENDALE	\$111,717	\$30,180	\$5,842	\$0	\$147,739	\$26,668	-\$121,070	County also provided breakdown by other - program expenses; grant expenses (not listed in this chart).
14	BEAUFORT	\$1,785,417	\$556,887	\$639,297	\$236,235	\$3,217,836	\$3,496,722	\$278,887	
14	COLLETON	\$207,102	\$60,051	\$6,728	\$0	\$273,881	\$276,121	\$2,240	
14	HAMPTON	\$171,317	\$61,699	\$6,240	\$0	\$239,255	\$124,058	-\$115,198	
14	JASPER	\$235,157	\$95,421	\$6,584	\$0	\$337,162	\$292,304	-\$44,858	
	Circuit Total	\$2,510,711	\$804,237	\$664,690	\$236,235	\$4,215,873	\$4,215,873	\$0	

FY 2016-17 Expenses

CIRCUIT	County Name	Employee Salaries	Fringe	Operating Expenses	Other	Total Expenses	Total Revenue	Difference	Notes
15	GEORGETOWN	\$734,311	\$244,833	\$103,621	\$0	\$1,082,764	\$1,106,153	\$23,389	
15	HORRY	\$3,834,856	\$1,431,644	\$1,091,540	\$0	\$6,358,040	\$7,364,491	\$1,006,451	
	Circuit Total	\$4,569,166	\$1,676,477	\$1,195,161	\$0	\$7,440,804	\$8,470,644	\$1,029,840	
16	UNION	\$298,335	\$88,166	\$15,865	\$0	\$402,366	\$469,246	\$66,880	
16	YORK	\$4,144,899	\$1,186,025	\$1,332,935	\$0	\$6,663,859	\$6,715,900	\$52,041	
	Circuit Total	\$4,443,234	\$1,274,191	\$1,348,800	\$0	\$7,066,225	\$7,185,146	\$118,921	
	Grand Total	\$53,335,123	\$14,913,860	\$9,744,961	\$656,732	\$78,650,676	\$78,759,133	\$108,457	

Appendix C. Diversion Programs offered by Solicitors' Offices

Diversion programs offered by the offices of solicitor by circuit and county¹⁴⁶

For purposes of this listing, a diversion program is a program that, if successfully completed, results in the charge(s) against the defendant being dismissed. Programs that result in a reduction in charge(s) requiring conviction or that are for treatment purposes only, prior to or after sentencing, are not considered diversion programs for this listing.

Diversion Programs Offered by the Offices of Solicitor												
Circuit	County	Required in law ¹⁴⁷			Allowed in law, but not required ¹⁴⁸							
		Pre-trial Interven	Alcohol Ed.	Traffic Ed.	Worth less Check	Drug Court	Veterans Court	Mental Health Court	Juvenile Arbitration	Juv. Drug Court	Juv. Pre-trial Interven.	Other
1	Calhoun	X	X	X					X	X		
	Dorchester	X	X	X		X						Youth Mentor (juvenile)
	Orangeburg	X	X	X					X	X		Youth Mentor (juvenile)
2	Aiken	X	X	X	X	X			X			
	Bamberg	X	X	X	X	X			X			
	Barnwell	X	X	X	X	X			X			
3	Clarendon	X	X	X	X	X**			X			
	Lee	X	X	X	X	X**			X			
	Sumter	X	X	X	X	X**			X			
	Williamsburg	X	X	X	X	X**			X			
4	Chesterfield	X	X	X	X	X			X		X	
	Darlington	X	X	X	X				X		X	
	Marlboro	X	X	X	X	X			X		X	
	Dillon	X	X	X	X				X		X	
5	Kershaw	X	X	X	X	X	X	X	X	X	X	
	Richland	X	X	X	X	X	X	X	X	X	X	DUI Court Homeless Court Juvenile Mental Health
6	Chester	X	X	X	X	X			X	X		
	Lancaster	X	X	X	X	X			X	X		
	Fairfield	X	X	X	X	X			X	X		
7	Cherokee	X	X	X	X	X**	X		X			
	Spartanburg	X	X	X	X	X**	X		X		X	Domestic Violence SIP Program**
8	Abbeville	X	X	X	X	X	X		X			
	Greenwood	X	X	X	X	X	X		X			
	Laurens	X	X	X	X	X	X		X			
	Newberry	X	X	X	X	X	X		X			
9	Berkeley	X	X	X	X	X		X	X	X		
	Charleston	X	X	X	X	X		X	X	X		

Table Note: A double asterisk (**) indicates a program operates in two ways, one of which is as a diversion program (the successful completion of which results in a dismissal of the charge) and the other is as a treatment option for defendants placed on probation.

Diversion Programs Offered by the Offices of Solicitor												
Circuit	County	Required in law ¹⁴⁹			Allowed in law, but not required ¹⁵⁰							
		Pre-trial Interven	Alcohol Ed.	Traffic Ed.	Worthless Check	Drug Court	Veterans Court	Mental Health Court	Juvenile Arbitration	Juv. Drug Court	Juv. Pre-trial Interven.	Other
10	Anderson	X	X	X	X	X			X			
	Oconee	X	X	X	X	X			X			
11	Edgefield	X	X	X	X	X**						Truancy Alternative Program
	Lexington	X	X	X	X	X**			X			
	McCormick	X	X	X	X	X**						
	Saluda	X	X	X	X	X**						
12	Florence	X	X	X	X	X			X	X	X	Early Childhood Intervention (Juvenile)
	Marion	X	X	X	X	X			X	X	X	Early Childhood Intervention (Juvenile)
13	Greenville	X	X	X	X	X	X	X	X	X	X	New Start Substance Abuse Intervention Program
	Pickens	X	X	X	X		X		X		X	New Start Substance Abuse Intervention
14	Allendale	X	X	X	X				X		X	
	Beaufort	X	X	X	X	X**	X	X	X	X	X	
	Colleton	X	X	X	X				X		X	
	Hampton	X	X	X	X				X		X	
	Jasper	X	X	X	X				X		X	
15	Horry	X	X	X	X	X		X	X			Juvenile Diversion
	Georgetown	X	X	X	X	X						Juvenile Diversion
16	Union	X	X	X	X				X			Veterans Diversion Program
	York	X	X	X	X	X		X	X	X	X	Truancy Court (juvenile) Domestic Violence Initiatives Program Veterans Diversion Program

Table Note: A double asterisk (**) indicates a program operates in two ways, one of which is as a diversion program (the successful completion of which results in a dismissal of the charge) and the other is as a treatment option for defendants placed on probation.

Appendix D. Data Collected by Court Administration

Data Collected by Court Administration¹⁵¹

Circuit Court - General Sessions

Obtained from:

Clerk of Court transmits data to the Judicial Department at least once a month, although daily transmissions are encouraged.

Maintained in:

The data is then maintained in the web based County Stats Portal (Portal).

Data fields routinely transmitted:

Case Number	Defendant Name	Defendant's Attorney
Warrant / Ticket Number	Defendant Address, City, State, Zip Code	Solicitor
File Date	Defendant Sex	Disposition Date
Restore Date	Defendant Race	Disposition Code
Transfer Date	Defendant Social Security Number	Conviction Code (CDR)
Arrest Date	Defendant Date of Birth	Sentence Literal
Offense Code (CDR)	Defendant Driver License State	Judge Code
Initial Judge / Summary	Defendant Driver's License Number	
Court Judge Code		

Data Sharing:

Only the South Carolina Law Enforcement Division and the South Carolina Department of Motor Vehicles have data sharing agreements with the South Carolina Judicial Department.

SCCPC does not have a data sharing agreement with the Judicial Department.

General Access:

The Solicitors and the Attorney General's Office have access to the Portal to review specific case records and run standard reports. The Portal helps reconcile their data with the Clerk of Court's data.

SCCPC does not currently have access. Requests for data are authorized by South Carolina Court Administration under Rule 610, SCACR.

Reports Available:

The Solicitors and the Attorney General's Office have the ability to run the following reports on information from general sessions court:

Criminal Records Summary of Activity by Circuit/County	Self-Audit Report
Summary of Criminal Record Dispositions by Type	Pending Criminal Cases
Criminal Records Management Average Age of Pending and Disposed Cases	Pending Criminal Cases over 180 days of arrest
Criminal Records Management Age of Pending Cases	

Also, the South Carolina Judicial Department posts monthly reports and annual reports using the data in the Portal, which can be found here: (1) Monthly reports - <https://www.sccourts.org/monthlyReports/>; and (2) Annual reports - <http://www.sccourts.org/annualReports/>.

Circuit Court - Common Pleas

Obtained from:

Clerk of Court transmits data to the Judicial Department at least once a month, although daily transmissions are encouraged.

Maintained in:

The data is then maintained in the web based County Stats Portal.

Data fields routinely transmitted:

Case Number	Plaintiff	Judge Code
File Date	Plaintiff Attorney	Jury / Non Jury
Restore Date	Disposition Date	Refer Master in Equity Date
Nature of Action Code*	Disposition Code	Defendant
Nature of Action Code Description	Disposition Code Description	Defendant Attorney
		Comments

Reports Available:

The South Carolina Judicial Department posts monthly reports and annual reports using the data in the Portal, which can be found here: (1) Monthly reports - <https://www.sccourts.org/monthlyReports/> ; and (2) Annual reports - <http://www.sccourts.org/annualReports/>.

Summary Court - Magistrate (County) and Municipal (City/Town) Courts

Data Type #1

(Available BUT not track or collected by court administration)

- Data - The fields listed below

System ID	Defendant Name	Disposition
County Number	Defendant Date of Birth	Disposition Date
Offense Code	Defendant Social Security Number	Conviction Code
Warrant Number	Date of Arrest	Sentence Literal (Must include fines)
		Filler for future use

- Maintained - In the web based County Stats Portal.
- Reports Available - The Summary Courts on the Case Management System (CMS), can transmit data to South Carolina Law Enforcement Division using CMS and Portal. All Magistrate (County) Courts are on CMS. Approximately 27% of Municipal (City/Town) Courts are on CMS

Data Type #2

(Available and collected by court administration)

- Data - Financial and caseload data (totals or summary level, no case level data is routinely collected)
- Maintained - In the web based County Stats Portal.
- Reports Available - Statewide Magistrate and Municipal Court report which is an internal Court Administration document; however, it can and has been provided upon request under Rule 610, SCACR.

Data Type #3

(Available and collected by court administration)

- Data - Total dollar amount of fines and fees collected by categories (see below)
- Maintained - Unknown
- Reports Available - Unknown

Total dollar amount of fines and fees collected by each Magistrate and Municipal Court for the following:

\$100 DUS for DPS Pullout	88.84% Assessment or the 88% + 7.5%	\$12 DUI assessment
Bond Estreatments	64.65% Assessment to State	\$100 DUI for DPS Pullout
Fines for Game & Fish Violations	35.35% Assessment to County	\$100 (DUI) To Spinal Cord Research
Fines for Axle & Gross Weight	Magistrate Civil Fees	\$50 BUI BA Test Fee
Fines for PSC	3% Fee for Installments Payments	\$25 DUI BA Test Fee
Insurance Fraud	\$25 Law Enforcement Funding	\$100/\$150 Drug Court Assessment
\$41 Fraudulent Check Admin. Charge	\$5 CJA Fee	\$25 Conviction Surcharge
\$25 Summons & Complaint Fee	General Sessions Fine (56% to County)	\$100 Conviction Surcharge
\$10.00 All other Civil Filing Fees	General Sessions Fines (44% to State)	\$150 Conditional Discharge Fee
Fines for Cruelty to Animals (50% to Humane Society)	11.16% Victim/Witness Assessment or the 12%	Fines Retained by County without assessments
		GRAND TOTAL

Data Type #4

(Available and collected by court administration)

- Data - Number of staff members for each Summary Court, whether the staff member is full time or part time, staff salary, and staff email address
- Maintained - Unknown
- Reports Available - Unknown

(Available and collected by court administration)

- Magistrate Court case totals, the following is collected from each Court:

Municipal Court case totals, the following is collected from each Court

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Family Court

Obtained from:

Clerk of Court transmits data to the Judicial Department at least once a month, although daily transmissions are encouraged.

Maintained in:

Data fields routinely transmitted:

Case Number	Plaintiff	Judge Code
File Date	Plaintiff Attorney	Defendant
Restore Date	Disposition Date	Defendant Attorney
Nature of Action Code*	Disposition Code	Comments
Nature of Action Code Description	Disposition Code Description	

*The Family Court juvenile data is structured differently than General Sessions' data. No CDR codes are transmitted to the South Carolina Judicial Department, instead Nature of Action Codes are used. For Juvenile cases, the Nature of Action Codes are:

1. Truancy	2. Incurable	3. Runaway
4. Criminal Offense – Drug	5. Criminal Offense – Against a Person	6. Criminal Offense – Property
7. Criminal Offense – Public Order	8. Criminal Offense – Other	9. Juvenile Delinquency – Other

Given the confidentiality of juvenile cases, the case appears as "STATE VS CONFIDENTIAL" and only the case number is used to identify cases in South Carolina Judicial Department internal reports (e.g., monthly reports reviewed by the Chief Judges for Administrative Purposes).

Reports Available:

The South Carolina Judicial Department posts monthly reports and annual reports using the data in the Portal, which can be found here: (1) Monthly reports - <https://www.sccourts.org/monthlyReports/> ; and (2) Annual reports - <http://www.sccourts.org/annualReports/>.

COMMITTEE CONTACT INFORMATION



- Website - <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>
- Phone Number - 803-212-6810
- Email - HCommLegOv@schouse.gov
- Location - Blatt Building, Room 228

1 Visual Summary Figure 1 is compiled from information in the Commission on Indigent Defense study materials available online under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and then under “Indigent Defense, Commission on” <http://www.scstatehouse.gov/committeefile/houselegislativeoversightcommittee/agencyphpfiles/indigentdefense.php> (accessed April 17, 2018).

2 South Carolina Judicial Department, <https://www.sccourts.org/circuitcourt/circuitmap.cfm> (accessed June 11, 2018).

³ 1990 Act No. 485, Preamble.

4 S.C. Code Ann 1-7-910. Commission on Prosecution Coordination created; 1990 Act No. 485 (S. 1411)

⁵ S.C. Code of Laws Section 1-7-940.

6 S.C. Code Ann 1-7-910. Commission on Prosecution Coordination created; 1990 Act No. 485 Preamble; See also, S.C. Code of Laws Section 17-3-340(l)(1). “The commission shall approve and implement programs, services, rules, policies, procedures, regulations, and standards as may be necessary or advisable to fulfill the purposes and provisions of this article in the delivery of indigent services. This includes, but is not limited to, standards for: (1) maintaining and operating circuit public defender offices, including requirements regarding qualifications, training, and size of the legal and support staff of the offices and access to data and records, including business records, in each circuit public defender office;”

7 S.C. Code Ann. 1-7-990. Promulgation of regulations; S.C. Code Ann 1-7-910. Commission on Prosecution Coordination created

⁸ The Law Enforcement Training Council (LETC) is an example of an entity with the ability to ensure compliance with its regulations by those in positions which are elected by the public (e.g., sheriffs). However, the authority to enforce is specifically stated in statute. S.C. Code Ann. 23-23-80(5) “(5) make such regulations as may be necessary for the administration of this chapter, including the issuance of orders directing public law enforcement agencies to comply with this chapter and all regulations so promulgated;”

⁹ S.C. Constitution, Article 5, Section 24. It goes on to state the General Assembly shall also provide in law the selection, duties, and compensation of other appropriate officials to enforce the criminal laws of the State, to prosecute persons under these laws, and to carry on the administrative functions of the courts of the State; and the Attorney General is the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases.

¹⁰ S.C. Code Ann. 1-7-320. Solicitors shall perform duties of Attorney General and assist in prosecutions; Section 24, Article V, S.C. State Constitution; See also, *State ex rel. McLeod v. Snipes*, 266 S.C. 415, 420, 223 S.E.2d 853, 855 (1976) (The Supreme Court of South Carolina has recognized that, “Although the Attorney General is designated the chief prosecuting officer and has ‘authority to supervise the prosecution of all criminal cases in courts of record’, the fact remains that the solicitors are elected in this State by the people and maintain a strong measure of independence. While he has the authority to supervise the prosecution of all criminal cases, it is a fact of common knowledge that the duty to actually prosecute criminal cases is performed primarily and almost exclusively by the solicitors in their respective circuits except in unusual cases or when the solicitors call upon the Attorney General for assistance.”)

¹¹ S.C. Code Ann 1-7-910. Commission on Prosecution Coordination created; 1990 Act No. 485 (S. 1411); S.C. Code Ann. 1-7-320. Solicitors shall perform duties of Attorney General and assist in prosecutions; Section 24, Article V, S.C. State Constitution.

¹² S.C. Code of Laws Section 17-3-340(l)(1). “The commission shall approve and implement programs, services, rules, policies, procedures, regulations, and standards as may be necessary or advisable to fulfill the purposes and provisions of this article in the delivery of indigent services. This includes, but is not limited to, standards for: (1) maintaining and operating circuit public defender offices, including requirements regarding qualifications, training, and size of the legal and support staff of the offices and access to data and records, including business records, in each circuit public defender office;”

13 1990 Act No. 485, Preamble; S.C. Code of Laws Section 1-7-330. In *State v. Langford*, 400 S.C. 421, 735 S.E.2d 471 (2012), the Supreme Court held that, because the setting of the trial docket is the prerogative of the court, the statute violated the separation of powers clause by giving the Solicitors that authority.

14 S.C. Code of Laws Section 1-7-730. Examination of offices of county officers. "The Attorney General and solicitors shall annually, at such times as they may deem expedient, examine into the condition of the offices of the clerk of the court of common pleas and general sessions, of the sheriff and of the register of deeds in the counties of the respective solicitors and ascertain if such officers have discharged the duties which now are, or shall be, required of them; and they shall make a report of the condition of said offices and of the manner in which said officers have discharged their duties to the circuit court in each county, respectively, at the fall term in each year, and also to the General Assembly at its annual session."

¹⁵ 1979 Act No. 191, Section 3; S.C. Code of Laws Section 1-7-408; 2005 Act No. 164, Section 37, eff June 10, 2005

¹⁶ 2015-16 General Appropriations Act, Part 1B, Proviso 117.113; 2016-17 General Appropriations Act, Part 1B, Proviso 117.110; 2017-18 General Appropriations Act, Part 1B, Proviso 117.109

¹⁷ Agency's PER, Strategic Plan Summary Chart.

¹⁸ Agency's PER, Strategic Plan Summary Chart.

¹⁹ Agency's PER, Strategic Plan Summary Chart.

²⁰ Agency's PER, Strategic Plan Summary Chart.

²¹ Agency PER, Organizational Charts.

²² South Carolina Judicial Department, Overview of SC Judicial System, <https://www.sccourts.org/OverviewofSCJudicialSystem.cfm> (accessed July 18, 2018).

²³ 1) the death penalty, 2) public utility rates, 3) significant constitutional issues, 4) public bond issues, 5) election laws, 6) an order limiting the investigation by a state grand jury, and 7) an order of a family court relating to an abortion of a minor.

²⁴ S.C. Code Ann. § 22-3-550

²⁵ S.C. Code Ann. § 16-25-20(D)(1); S.C. Code Ann. §56-1-460(d); S.C. Code Ann. § 16-13-10(C)

²⁶ S.C. Code Ann. § 22-3-545

²⁷ S.C. Code Ann. § 22-3-730

²⁸ S.C. Code Ann. Section 14-25-115 provides "[t]he council of a municipality may establish the office of ministerial recorder and appoint one or more full-time or part-time ministerial recorders, who shall hold office at the pleasure of the council. Before entering upon the discharge of the duties of the office of ministerial recorder, the person appointed shall take and subscribe the prescribed oath of office and shall be certified by the municipal judge as having been instructed in the proper method of issuing warrants and setting and accepting bonds and recognizances. Ministerial recorders shall have the power to set and accept bonds and recognizances and to issue summonses, subpoenas, arrest warrants, and search warrants in all cases arising under the ordinances of the municipality, and in criminal cases as are now conferred by law upon magistrates. Ministerial recorders shall have no other judicial authority."

²⁹ See S.C. Code Ann. § 14-25-15 and Rule 509, SCACR.

³⁰ Art. V, § 20, S.C. Const.

³¹ S.C. Code Ann. § 1-7-10 et seq.

³² See, e.g. *State v. Messervy*, 258 S.C. 110, 187 S.E.2d 524 (1972); *State ex rel McLeod v. Seaborn*, 270 S.C. 696, 244 S.E.2d 317 (1978); Supreme Court Order In re: Unauthorized Practice of Law Rules Proposed by the South Carolina Bar, September 21, 1992.

³³ S. C. Code Ann. § 40-5-80

³⁴ Rule 602(a), SCACR

³⁵ *Rothgery v. Gillespie County, Tex.*, 554 U.S. 191 (2008).

³⁶ Rule 602(e)(1), SCACR. Article 5 of Chapter 3, Title 17 of the South Carolina Code of Laws provides for Circuit and County Public Defenders.

³⁷ Rule 608, SCACR

³⁸ Proviso 61.12 of the South Carolina General Appropriations Act

³⁹ S. C. Code Ann. § 40-5-80

⁴⁰ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Chart 1.

⁴¹ The party who appeals the judgement of the lower court (which would either be a conviction or an adjudication of guilt or, if the State is appealing, an adverse ruling by trial court – the prosecution has a very limited right to appeal) is referred to as the "Appellant," and the other party is referred to as the "Respondent."

⁴² While the Attorney General handles the overwhelming majority of criminal appeals in the Supreme Court and Court of Appeals for the State, municipal and county attorneys often handle their appeals and the Solicitors will occasionally handle an appeal. In Circuit Court, municipal and county attorneys handle the appeals of the cases they prosecute and the Solicitors handle the appeals of the cases they, as well some of those law enforcement, prosecute.

⁴³ The Attorney General's Office prosecutes its Statewide Grand Jury cases in the General Sessions Court; it also occasionally prosecutes cases conflicted out of a Solicitor's Office (although those cases most usually are conflicted out to a different Solicitor's Office).

⁴⁴ While neither criminal nor quasi-criminal in nature, indigent defendants in child abuse/neglect removal and termination of parental rights cases instigated by the South Carolina Department of Social Services (SCDSS) in the Family Court are provided an attorney by the State. The money to pay for the attorneys in these civil cases is appropriated by the General Assembly to SCCID, which does not provide direct representation, but pays contract attorneys to represent these individuals. The State in these cases is represented by SCDSS attorneys.

⁴⁵ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Chart 2.

⁴⁶ The penalty for violation of a municipal ordinance cannot exceed \$500 and/or 30 days imprisonment. See S.C. Code §14-25-65.

⁴⁷ S.C. Code §14-25-5(a); S.C. Code §14-25-45.

⁴⁸ S.C. Code §14-25-5(c).

⁴⁹ The penalty for violation of a county ordinance cannot exceed the penalty jurisdiction of the Magistrates Courts. See S.C. Code § 4-9-30(14).

⁵⁰ S.C. Code §22-3-540 provides that, "Magistrates shall have exclusive jurisdiction of all criminal cases in which the punishment does not exceed a fine of one hundred dollars or imprisonment for thirty days, except cases in which an offense within the jurisdiction of a magistrate is included in the charge of an offense beyond his jurisdiction or when it is permissible to join a charge of an offense within his jurisdiction with one or more of which the magistrate has no jurisdiction. Magistrates shall have concurrent but not exclusive jurisdiction in the excepted cases. The provisions of this section shall not be construed so as to limit the jurisdiction of any magistrate whose jurisdiction has been extended beyond that stated above."

⁵¹ See S.C. Code §§14-25-65; 22-3-550. Section 22-3-550 also provides that, except for those cases transferred from the Court of General Sessions under Section 22-3-545, a magistrate cannot sentence a person to consecutive terms of imprisonment totaling more than 90 days except for convictions resulting from violations of Chapter 11, Title 34, pertaining to fraudulent checks, or violations of Section 16-13-110(B)(1), relating to shoplifting. Section 22-3-550(B). In addition, a municipal judge and magistrate may order restitution in an amount not to exceed the civil jurisdictional amount of magistrates provided in Section 22-3-10(2). Section 14-25-65(A); Section 22-3-550(A).

⁵² S.C. Code §22-3-545 provides for the transfer of criminal charges for which the penalty does not exceed five thousand five hundred dollars or one year imprisonment, or both (either as originally charged or as charged pursuant to the terms of a plea agreement) from general sessions court to magistrate or municipal court if the Solicitor requests such, the defendant does not object, and the provisions of the statute are complied with.

⁵³ 2016 S.C. Act No. 268 (R227, S916).

⁵⁴ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Chart 3.

⁵⁵ There are many nuances in legal actions, and the exact steps in any specific case will depend upon the facts in and unique circumstance of that case, as well as the county in which the case is pending, the frequency in which terms of court are held, and the policies or desires of the judges. The information included in this table is intended only as a very general summary of what must or may occur, when such occurs, and who is responsible for the scheduling of the event(s).

⁵⁶ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Chart 4.

⁵⁷ There are many nuances in legal actions, and the exact steps in any specific case will depend upon the facts in and unique circumstance of that case, as well as the county in which the case is pending, the frequency in which terms of court are held, and the policies or desires of the judges. The information included in this table is intended only as a very general summary of what must or may occur, when such occurs, and who is responsible for the scheduling of the event(s).

⁵⁸ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Chart 5.

⁵⁹ There are many nuances in legal actions, and the exact steps in any specific case will depend upon the facts in and unique circumstance of that case, as well as the county in which the case is pending, the frequency in which terms of court are held, and the policies or desires of the judges. The information included in this table is intended only as a very general summary of what must or may occur, when such occurs, and who is responsible for the scheduling of the event(s).

⁶⁰ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 1.

⁶¹ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 16.

⁶² S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 16.

⁶³ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 16.

[http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 12.

⁷³ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 12.

⁷⁴ 1990 Act No. 485, Preamble.

⁷⁵ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 6 and 8.

⁷⁶ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 6.

⁷⁷ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 6.

⁷⁸ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 6.

⁷⁹ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 6.

⁸⁰ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 8.

⁸¹ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 7.

⁸² 1990 Act No. 485, Preamble.

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- ⁸³ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 2 and 3.
- ⁸⁴ Rule 5, SCRCrimP
- ⁸⁵ Brady v. Maryland, 373 U.S. 83 (1963) (failure to abide by these rules may entitle the defense to the suppression of the evidence, a dismissal of the charge(s), or the reversal of the conviction(s) on appeal)
- ⁸⁶ Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014) (failure to follow this procedure will result in a resentencing proceeding)
- ⁸⁷ Batson v. Kentucky, 476 U.S. 79 (1986) (three-step procedure)
- ⁸⁸ Required by the South Carolina Supreme Court
- ⁸⁹ Agency's PER, Comprehensive Strategic Plan Chart and Strategic Plan Summary Chart.
- ⁹⁰ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 9.
- ⁹¹ Agency's PER, Comprehensive Strategic Finances Chart
- ⁹² Agency's PER, Comprehensive Strategic Finances Chart
- ⁹³ Agency's PER, Comprehensive Strategic Plan Chart and Strategic Plan Summary Chart.
- ⁹⁴ Agency PER, Deliverables Chart.
- ⁹⁵ Item numbers are the ones utilized in agency's program evaluation report.
- ⁹⁶ Item numbers are the ones utilized in agency's program evaluation report.
- ⁹⁷ Item numbers are the ones utilized in agency's program evaluation report.
- ⁹⁸ Item numbers are the ones utilized in agency's program evaluation report.
- ⁹⁹ Item numbers are the ones utilized in agency's program evaluation report.
- ¹⁰⁰ Item numbers are the ones utilized in agency's program evaluation report.
- ¹⁰¹ Item numbers are the ones utilized in agency's program evaluation report.
- ¹⁰² Item numbers are the ones utilized in agency's program evaluation report.
- ¹⁰³ Item numbers are the ones utilized in agency's program evaluation report.
- ¹⁰⁴ Item numbers are the ones utilized in agency's program evaluation report.
- ¹⁰⁵ Item numbers are the ones utilized in agency's program evaluation report.
- ¹⁰⁶ Item numbers are the ones utilized in agency's program evaluation report.
- ¹⁰⁷ Item numbers are the ones utilized in agency's program evaluation report.
- ¹⁰⁸ Item numbers are the ones utilized in agency's program evaluation report.
- ¹⁰⁹ Item numbers are the ones utilized in agency's program evaluation report.
- ¹¹⁰ Item numbers are the ones utilized in agency's program evaluation report.
- ¹¹¹ Item numbers are the ones utilized in agency's program evaluation report.
- ¹¹² Pre-Trial Intervention (mandated by S.C. Code Section 17-22-30); Alcohol Education Program (mandated by S.C. Code Section 17-22-510); Traffic Education Program (mandated by S.C. Code Section 17-22-310)
- ¹¹³ Pre-Trial Intervention (mandated by S.C. Code Section 17-22-30); Alcohol Education Program (mandated by S.C. Code Section 17-22-510); Traffic Education Program (mandated by S.C. Code Section 17-22-310)
- ¹¹⁴ Item numbers are the ones utilized in agency's program evaluation report.
- ¹¹⁵ Item numbers are the ones utilized in agency's program evaluation report.
- ¹¹⁶ Item numbers are the ones utilized in agency's program evaluation report.
- ¹¹⁷ Item numbers are the ones utilized in agency's program evaluation report.
- ¹¹⁸ Item numbers are the ones utilized in agency's program evaluation report.
- ¹¹⁹ Item numbers are the ones utilized in agency's program evaluation report.
- ¹²⁰ Item numbers are the ones utilized in agency's program evaluation report.
- ¹²¹ Item numbers are the ones utilized in agency's program evaluation report.

¹²² Item numbers are the ones utilized in agency's program evaluation report.

¹²³ Item numbers are the ones utilized in agency's program evaluation report.

¹²⁴ Item numbers are the ones utilized in agency's program evaluation report.

¹²⁵ Item numbers are the ones utilized in agency's program evaluation report.

¹²⁶ Item numbers are the ones utilized in agency's program evaluation report.

¹²⁷ Item numbers are the ones utilized in agency's program evaluation report.

¹²⁸ Item numbers are the ones utilized in agency's program evaluation report.

¹²⁹ Item numbers are the ones utilized in agency's program evaluation report.

¹³⁰ Department of Administration, Executive Budget Office, "2016-17 Accountability Report Technical Assistance Guide," under Agency Accountability Reports <http://www.admin.sc.gov/files/FY%202016-17%20Accountability%20Report%20Technical%20Assistance.pdf> (accessed July 21, 2017). See also, Agency PER.

¹³¹ Agency PER, Comprehensive Strategic Finances Chart

¹³² Agency PER, Comprehensive Strategic Finances Chart

133 and Percentage of total amount appropriated and authorized to spend

134 and Percentage of total amount appropriated and authorized to spend

135 and Percentage of total amount appropriated and authorized to spend

136 and Percentage of total amount appropriated and authorized to spend

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141 and Percentage of total amount appropriated and authorized to spend

142 and Percentage of total amount appropriated and authorized to spend

143 and Percentage of total amount appropriated and authorized to spend

144 and Percentage of total amount appropriated and authorized to spend

145 Agency PER, Question 18 and 19.

¹⁴⁶ July 16, 2018 letter - Chart 7

¹⁴⁷ Pre-Trial Intervention (mandated by S.C. Code Section 17-22-30); Alcohol Education Program (mandated by S.C. Code Section 17-22-510); Traffic Education Program (mandated by S.C. Code Section 17-22-310)

¹⁴⁸ Worthless Check Program (authorized by S.C. Code Section 17-22-710); Drug Court (recognized by S.C. Code Section 17-22-1120(B)); Veterans Court (authorized by S.C. Code Section 14-29-30); Mental Health Court (authorized by S.C. Code Section 14-31-40); Juvenile Arbitration (recognized by S.C. Code Section 17-22-1120(B), and Proviso 67.6, 2018-2019 S.C. Appropriations Act, Part 1B)); Juvenile Drug Court (recognized by S.C. Code Section 17-22-1120(B)); Juvenile Pre-Trial Intervention (authorized by S.C. Code Section 17-22-30)

¹⁴⁹ Pre-Trial Intervention (mandated by S.C. Code Section 17-22-30); Alcohol Education Program (mandated by S.C. Code Section 17-22-510); Traffic Education Program (mandated by S.C. Code Section 17-22-310)

¹⁵⁰ Worthless Check Program (authorized by S.C. Code Section 17-22-710); Drug Court (recognized by S.C. Code Section 17-22-1120(B)); Veterans Court (authorized by S.C. Code Section 14-29-30); Mental Health Court (authorized by S.C. Code Section 14-31-40); Juvenile Arbitration (recognized by S.C. Code Section 17-22-1120(B), and Proviso 67.6, 2018-2019 S.C. Appropriations Act, Part 1B)); Juvenile Drug Court (recognized by S.C. Code Section 17-22-1120(B)); Juvenile Pre-Trial Intervention (authorized by S.C. Code Section 17-22-30)

¹⁵¹ July 16 letter - Attachment A