

## Laws

January 2018 PER

### (Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
<div>PROSECUTION COORDINATION LAWS</div> <div>Below are laws that apply to the S.C. Commission on Prosecution Coordination (SCCPC). There are two other sections as well, one which includes laws related to funds that pass through from SCCPC to Solicitor's Offices and one that includes laws which expressly impose a duty or obligation on the Solicitors (but not on SCCPC).</div>							
1	1-5-40	State	Statute	Provides that the Secretary of State is to monitor positions on SCCPC's Commission.	No	N/A	No
2	1-7-910	State	Statute	Creates SCCPC.	No	N/A	No
3	1-7-920	State	Statute	Sets out the Commission membership for SCCPC.	No	N/A	No
4	1-7-930	State	Statute	Sets out process of filling vacancies on SCCPC Commission.	No	N/A	No
5	1-7-940	State	Statute	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	Yes	Solicitors' Offices; other prosecutors and prosecution staff (state and local); law enforcement	Yes - Other service or product
6	1-7-950	State	Statute	Provides process for electing Chair and any other officers and determining quorum for SCCPC Commission	No	N/A	No
7	1-7-960	State	Statute	Provides for the hiring of an Executive Director and other staff as needed.	No	N/A	No
8	1-7-970	State	Statute	Provides that members of SCCPC Commission shall serve without pay, but are allowed expenses and Executive Director to approve any vouchers for such to be paid out of appropriations for SCCPC operating expenses.	No	N/A	No
9	1-7-980	State	Statute	Provides that SCCPC operating funds must be derived from the per capita funding for State services for Solicitors based upon a formula to be determined by the Commission.	No	N/A	No
10	1-7-990	State	Statute	Provides that SCCPC may promulgate regulations necessary to perform its required duties.	No	N/A	No
11	8-11-260	State	Statute	Provides that SCCPC employees are exempt from Article 3, Chapter 11, Title 8 (personnel administration and grievance procedure).	No	N/A	No
12	8-13-770	State	Statute	Provides that members of the General Assembly are allowed to serve on SCCPC Commission.	No	N/A	No
13	8-17-370	State	Statute	Provides that SCCPC employees are exempt from Article 5, Chapter 17, Title 8 (State employee grievance procedure).	No	N/A	No

The contents of this chart are considered sworn testimony from the Agency Director.

## Laws

January 2018 PER

### (Study Step 1: Agency Legal Directives, Plan and Resources)

<b>Agency Responding</b>	Commission on Prosecution Coordination
<b>Date of Submission</b>	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
14	14-1-204 (B)(1)	State	Statute	Provides that a portion (4.37%) of \$50 filing fee paid for filing complaints or petitions in common pleas and family court to be distributed to SCCPC to be retained, expended, and carried forward (other distributions are 67.96% to Judicial Department; 11.30% to SCPPP; and 16.37% to SCCID - 14.56% to Defense of Indigents per capita and 1.81% to Division of Appellate Defense.	No	N/A	No
15	16-1-130	State	Statute	Exempts diversion programs operated by SCCPC and Solicitors from statutory eligibility guidelines.	No	N/A	No
16	16-3-1430	State	Statute	Provides that SCCPC Executive Director or his designee is to serve on the Victim Services Coordinating Council.	Yes	Attorney General; Victim Services Coordinating Council	Yes - Serving on board, commission, or committee
17	16-3-1525	State	Statute	While imposing obligations on prosecuting agencies to notify victims of bond and juvenile detention hearings, exempts SCCPC and the Solicitors' Offices from requirement that a victim must be notified before a defendant released from diversion programs administered by SCCPC or the Solicitor's Office.	No	N/A	No
18	16-3-2050	State	Statute	Provides that a representative from SCCPC is to serve on the South Carolina Attorney General's interagency task force on the prevention of trafficking in persons.	Yes	Attorney General	Yes - Serving on board, commission, or committee
19	16-25-720	State	Statute	In addition to requiring the Solicitors to each create a Circuit Domestic Violence Fatality Review Committee, and addressing membership and process, requires SCCPC to develop protocols for use by those Committees and by coroners and others conducting autopsies of persons who either died from or were a victim of domestic violence prior to death.	Yes	Solicitors' Offices; Solicitors' Judicial Circuit Domestic Violence Fatality Review Committees; and coroners, and those performing autopsies	Yes - Other service or product
20	17-22-30	State	Statute	Provides authority for the Solicitors to establish pre-trial intervention program, and requires SCCPC to oversee administrative procedures for such programs.	Yes	Solicitors' Offices	Yes - Other service or product
21	17-22-40	State	Statute	Creates the office of pretrial intervention coordinator within SCCPC to assist in establishing and maintaining the Solicitors' pre-trial intervention program, and requires that such be funded by an appropriation to SCCPC in the general appropriation act.	Yes	Solicitors' Offices	Yes - Other service or product
22	17-22-130	State	Statute	Provides for creation and retention of intervention records by the Solicitors; provision of information to SLED, and sharing of information with SCCPC for its compilation of annual reports.	Yes	Solicitors' Offices	Yes - Other service or product
23	17-22-310	State	Statute	Provides authority for the Solicitors to establish traffic education programs, requires each program to include a community service and educational component, and requires SCCPC to oversee administrative procedures for such programs.	Yes	Solicitors' Offices	Yes - Other service or product
24	17-22-360	State	Statute	Requires that each Solicitor with a traffic education program submit an annual report to the Treasurer and SCCPC, with SCCPC charged with making the reports available for public inspection.	Yes	Solicitors; public	Yes - Providing report

The contents of this chart are considered sworn testimony from the Agency Director.

**Laws**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
25	17-22-370	State	Statute	Requires the Solicitors to provide identifying information on all participants in the traffic education programs to SCCPC for use in determining eligibility for a traffic education program.	Yes	Solicitors' Offices	Yes - Other service or product
26	17-22-510	State	Statute	Provides authority for the Solicitors to establish alcohol education program, requires each program to include a community service and educational component, and requires SCCPC to oversee administrative procedures for such programs and consult with DAODAS before approving such.	Yes	Solicitors' Offices	Yes - Other service or product
27	17-22-530	State	Statute	Provides for disposition of cases of successful and unsuccessful completion of an alcohol education program, and retention of records by SCCPC to ensure that a person does not benefit from the provisions of this article more than once.	Yes	Solicitors' Offices	Yes - Other service or product
28	17-22-560	State	Statute	Requires the Solicitors to provide identifying information on all participants in the alcohol education programs to SCCPC for use in determining eligibility for an alcohol education program.	Yes	Solicitors' Offices	Yes - Other service or product
29	17-22-1120	State	Statute	Requires SCCPC to collect data on all programs administered by a circuit solicitor, SCCPC, or a court, which divert offenders from prosecution to an alternative program or treatment, to provide an annual report to the Sentencing Reform Oversight Committee, and to make the annual report available for public inspection.	Yes	Solicitors; Sentencing Reform Oversight Committee; public	Yes - Providing report
30	43-35-310	State	Statute	Provides that SCCPC Executive Director or his designee is to serve on the Adult Protection Coordinating Council.	Yes	Adult Protection Coordinating Council	Yes - Serving on board, commission, or committee
31	Proviso 60.7, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, that the amount appropriated and authorized in this section for criminal domestic violence prosecution shall be apportioned among the circuits on a pro-rata basis; and requires SCCPC to collect and retain non-privileged information and data regarding criminal domestic violence prosecution and provide the General Assembly with an annual report. (This proviso is included twice in the Laws Chart because it imposes two deliverables - it is here for the deliverable of providing an annual report to the General Assembly.)	Yes	General Assembly	Yes - Providing report
32	Proviso 60.9, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, that the amount appropriated and authorized in this section for driving under the influence prosecution shall be apportioned among the circuits on a pro-rata basis; and requires SCCPC to collect and retain non-privileged information and data regarding driving under the influence prosecution and provide the General Assembly with an annual report. (This proviso is included twice in the Laws Chart because it imposes two deliverables - it is here for the deliverable of providing an annual report to the General Assembly.)	Yes	General Assembly	Yes - Providing report
33	Proviso 117.62, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides that hiring salaries and salary increases for the agency heads of SCCPC and SCCID shall be subject to all provisions related to agency heads covered by the Agency Head Salary Commission.	No	N/A	No

**Laws**

January 2018 PER

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
34	Proviso 117.63, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Creates the Prosecutors and Defenders Public Service Incentive Program, which allows up to \$5,000 reimbursement per year (not to exceed \$40,000 total) for law school student loan payments based upon years of service and student loan. *This program is not currently funded.	Yes	Attorneys employed by the Office of Attorney General, SCCPC, the Commission on Indigent Defense, a Circuit Solicitors Office or a county Public Defenders Office	Yes - Other service or product
35	Proviso 117.109, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Requires SCCPC and SCCID to provide detailed expenditure reports and associated revenue streams for each individual circuit, revenue streams shall include, but not be limited to, state funds, local funds, federal funds, and also nongovernmental sources of funds, by no later than September first, on the prior fiscal year, to the appropriate commission, and then provide the Chairman of the House Ways and Means Committee and Chairman of the Senate Finance Committee with a combined report by September fifteenth of the current fiscal year.	Yes	Chairman of the House Ways and Means Committee; Chairman of the Senate Finance Committee	Yes - Providing report
36	S.C. Constitution Article V, Section 24	State	Statute	Provides for, among other things, the office and election of the 16 Circuit Solicitors, their term of office, gives the General Assembly the authority to establish the requirements for the office of Solicitor, and designates the Attorney General as the chief prosecuting office of the state with the authority to supervise the prosecution of all criminal cases in courts of record.	No	N/A	No
<b><u>PASS THROUGH FUNDS TO SOLICITOR'S OFFICES</u></b> <i>The below statutory provisions and budget provisos relate to funds received by the Solicitors' Offices that pass through SCCPC.</i>							
37	Proviso 60.1, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, for the salary of the Solicitors (not less than a full-time circuit court judge).	Yes	N/A	Yes - Other service or product
38	Proviso 60.2, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, for a \$500 monthly expense allowance for each Circuit Solicitor.	Yes	N/A	Yes - Other service or product
39	Proviso 60.3, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, how the money appropriated for the Judicial Circuits (16) State Support is to be apportioned among the circuits.	Yes	N/A	Yes - Other service or product
40	Proviso 60.4, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Authorizes, in the SCCPC appropriations, for the carrying forward, of any unexpended balance in the Judicial Circuits (16) State Support funds, for the operation of the solicitors office relating to operational expenses	Yes	N/A	Yes - Other service or product

The contents of this chart are considered sworn testimony from the Agency Director.

**Laws**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
41	Proviso 60.5, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, that the amounts appropriated by the General Assembly for solicitors offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services without any additional charges, and requires the Solicitors to notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee if a county reduces the amount of support provided to the solicitors office below the level provided in the prior fiscal year.	No	N/A	No
42	Proviso 60.6, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, that, when funds are available, the amount appropriated and authorized in Part 1A, Section 60 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits and sets out the manner of apportionment.	Yes	N/A	Yes - Other service or product
43	Proviso 60.7, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, that the amount appropriated and authorized in this section for criminal domestic violence prosecution shall be apportioned among the circuits on a pro-rata basis; and requires SCCPC to collect and retain non-privileged information and data regarding criminal domestic violence prosecution and provide the General Assembly with an annual report. (This proviso is included twice in the Laws Chart because it imposes two deliverables - it is here for the deliverable of disbursing funds to the Solicitors' Offices.)	Yes	General Assembly	Yes - Other service or product
44	Proviso 60.8, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, how funds appropriated for victim/witness Programs must be divided among the judicial circuits; requires that such funds must be used only for the purpose of establishing a Victim/Witness Program; sets out minimum services to be provided by a Victim/Witness Program; provides that the amounts appropriated by the General Assembly for solicitors offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services; provides that any reduction by any county in funding for victim assistance programs in solicitors offices shall result in a corresponding decrease of state funds provided to the solicitors office in that county for victim assistance services; and requires that each Solicitor submit an annual financial and programmatic report describing the use of these funds to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.	Yes	N/A	Yes - Other service or product
45	Proviso 60.9, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, that the amount appropriated and authorized in this section for driving under the influence prosecution shall be apportioned among the circuits on a pro-rata basis; and requires SCCPC to collect and retain non-privileged information and data regarding driving under the influence prosecution and provide the General Assembly with an annual report. (This proviso is included twice in the Laws Chart because it imposes two deliverables - it is here for the deliverable of disbursing funds to the Solicitors' Offices.)	Yes	General Assembly	Yes - Providing report

## Laws

January 2018 PER

### (Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
46	Proviso 60.10, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, that the amount appropriated and authorized in this section for violent crime prosecution shall be apportioned among the circuits on a pro-rata basis	Yes	N/A	Yes - Other service or product
47	Proviso 60.11, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, for the distribution of the amount appropriated in this Act and authorized for Solicitors' caseload equalization.	Yes	N/A	Yes - Other service or product
48	Proviso 60.12, 2017-18 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCCPC appropriations, for the distribution of the summary court domestic violence prosecution funding.	Yes	N/A	Yes - Other service or product
49	Proviso 67.6, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides, in the SCDJJ appropriations, for the funding of juvenile arbitration programs in the circuits and a community advocacy program in the First Judicial Circuit, that SCDJJ shall contract with the Solicitors' Offices to provide.	No	N/A	No
50	Proviso 93.4, 2017-2018 S.C. Appropriation Act, Part 1B	State	Proviso	Provides that, if funds in the South Carolina Victims' Compensation Fund exceed the amount required to operate the State Office of Victims Assistance and pay claims of crime victims, the first \$650,000 of such excess must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria developed by the policy committee.	No	N/A	No
51	8-21-320	State	Statute	Provides that a portion of fees assessed on motions filed in common pleas and family courts (the first \$450,000 of fees collected) are to be used to fund drug court in the Third, Fourth, and Eleventh Judicial Circuits (funds are to pass through SCCPC)	Yes	Solicitors' Offices in the Third, Fourth, and Eleventh Judicial Circuits	Yes - Other service or product
52	44-53-450(C)	State	Statute	Provides that conditional discharge fee (\$350 in General Sessions Court and \$150 in summary court) are to be distributed to solicitors per capita to be used only for drug courts (pass through SCCPC)	Yes	Solicitors' Offices	Yes - Other service or product
53	14-1-212	State	Statute	Provides that a portion (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 are distributed to Solicitors (pass through SCCPC)	Yes	Solicitors' Offices	Yes - Other service or product
54	14-1-213	State	Statute	\$150 surcharge on all drug convictions distributed to solicitors to be used only for drug courts (pass through SCCPC)	Yes	Solicitors' Offices	Yes - Other service or product
55	Part 1A, Section 60, 2017-2018 S.C. Appropriation Act	State	Statute	State funds provided for Solicitors' Offices	Yes	Solicitors' Offices	Yes - Other service or product
56	17-15-260	State	Statute	Provides that 25% of funds collected under Chapter 15, title 17 (bond forfeitures), are to be remitted to the Solicitor's Office in the county in which the forfeiture was ordered.	No	N/A	No
57	44-53-530(e)	State	Statute	Provides that 20% of the proceeds of forfeited property (from drug offenses - 44-53-520 and 530; retail theft - 16-13-135; animal fighting - 16-27-55; and counterfeit goods - 39-15-1195) are to be distributed to the prosecuting agency (does NOT pass through SCCPC)	No	N/A	No

The contents of this chart are considered sworn testimony from the Agency Director.

## Laws

January 2018 PER

### (Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
58	17-22-350(B) & (C)	State	Statute	Provides that Traffic Education Programs \$140 application fee for Summary Court level offenses - after 9.17% is paid to county government the balance is paid to treasurer and 6.74% distributed to solicitors per capita	Yes	Solicitors' Offices	Yes - Other service or product
<b><u>SOLICITOR DUTY OR OBLIGATION</u></b> <i>Below are statutes that expressly impose a duty or obligation (mandatory) on Solicitors; because they do not impose duties on SCCPC the last columns regarding deliverables and customers reflect that.</i>							
59	1-7-50	State	Statute	Provides that in the event that any officer or employee of the State, or of any political subdivision thereof, be prosecuted in any action, civil or criminal, or special proceeding in the courts of this State, or of the United States, by reason of any act done or omitted in good faith in the course of his employment, the Attorney General, when requested in writing by any such officer or employee, to appear and defend the action or proceeding in his behalf through a member of his staff or by any Solicitor or assistant solicitor he directs to do so.	No	N/A	No
60	1-7-55	State	Statute	Provides that the Attorney General or his designee who defends a civil action or proceeding on behalf of any officer or employee of the State, or of any political subdivision of the State, may, in his discretion, upon the request of the officer or employee, enter and prosecute a counter-claim, cross-action, or any other appropriate action in the suit on behalf of the officer or employee.	No	N/A	No
61	1-7-60	State	Statute	Provides that, before a defense under 1-7-50 is undertaken, an investigation must be made by the Attorney General or his designee to determine whether the officer or employee was acting in good faith, without malice, and in the course of his employment.	No	N/A	No
62	1-7-80	State	Statute	Provides that the Attorney General shall, out of the annual appropriation for the Attorney General for the expenses of litigation, pay for dockets for the several circuit solicitors and those other expenses as he may deem advisable.	No	N/A	No
63	1-7-100	State	Statute	Provides that the Attorney General shall consult with and advise the solicitors in matters relating to the duties of their offices and, when he determines the interest of the State requires it, he shall: (1) assist the solicitors by attending the grand jury in the examination of any case in which the party accused is charged with a capital offense; and (2) be present at the trial of any case in which the State is a party or interested and, when so present, shall have the direction and management of such prosecution or suit.	No	N/A	No
64	1-7-310	State	Statute	Provides for the Office of Solicitor, the qualifications for such, the term of office, and when such term begins and ends.	No	N/A	No

The contents of this chart are considered sworn testimony from the Agency Director.

## Laws

January 2018 PER

### (Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
65	1-7-320	State	Statute	Sets out the duties of the office of Solicitor: Solicitors shall perform the duty of the Attorney General and give their counsel and advice to the Governor and other State officers, in matters of public concern, whenever they shall be, by them, required to do so; and they shall assist the Attorney General, or each other, in all suits of prosecution on behalf of this State when directed so to do by the Governor or called upon by the Attorney General.	No	N/A	No
66	1-7-325	State	Statute	Provides that elected Solicitors shall be full-time state employees, have a salary provided by the General Assembly, the same subsistence and mileage as circuit court judges, and one full-time secretary whose salary shall be provided by the General Assembly.	No	N/A	No
67	1-7-330	State	Statute	Places duties on the Solicitors in regard to the dockets for general sessions court.	No	N/A	No
68	1-7-340	State	Statute	Requires Solicitors to attend inquests and preliminary hearings in capital cases upon request of coroner or sheriff.	No	N/A	No
69	1-7-350	State	Statute	Requires Solicitors, as assigned by Attorney General, to represent in both civil and criminal matters, all institutions, departments, and agencies of the State within their respective circuits, and to represent the state in in extradition proceedings in other states and in criminal matters outside their circuits in case of the incapacity of the local solicitor or otherwise.	No	N/A	No
70	1-7-360	State	Statute	Provides for salary and expenses of Solicitors, and prohibits additional compensation other than expenses as allowed; also requires that all costs from defendants be remitted to the county treasurer for the use of the State.	No	N/A	No
71	1-7-370	State	Statute	Allows Solicitors to defend accused persons when their duty does not require them to prosecute them.	No	N/A	No
72	1-7-380	State	Statute	Prohibits Solicitors from engaging in litigation against the State or any of its departments.	No	N/A	No
73	1-7-390	State	Statute	Provides for the filling of any vacancy in the office of Solicitor.	No	N/A	No
74	1-7-396	State	Statute	Provides that full-time investigators shall have police powers of a deputy sheriff and must post bond and take the oath required of constables.	No	N/A	No
75	1-7-400	State	Statute	Makes it a misdemeanor crime (to be prosecuted by the Attorney General) for a Solicitor, in the public discharge of his duties, to be drunk, intoxicated, or in any extent disabled by the use of intoxicating liquors, and requires that a Solicitor who engages in such behavior to be dismissed from office.	No	N/A	No
76	1-7-405	State	Statute	Provides that the Solicitors may appoint as many assistant solicitors, investigators and secretaries as deemed necessary, that their salaries are to be provided by the counties, and that they shall serve at the pleasure of the Solicitors.	No	N/A	No
77	1-7-406	State	Statute	Provides that each Judicial Circuit shall have one assistant solicitor and one investigator who are full-time employees who shall serve at the pleasure of the Solicitor and be paid by funds provided by the General Assembly; allows for the state funds provided to be utilized with local and federal funds.	No	N/A	No

The contents of this chart are considered sworn testimony from the Agency Director.



## Laws

January 2018 PER

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
78	1-7-407	State	Statute	Requires each Solicitor to enter into an agreement with a county within his/her circuit to administer the funds provided by the state and the funds shall be directed to that administering county, which shall account for the receipt and disbursement of the funds separately from any other funds administered by the county. Also provides that funds may be used to cover salary, fringe, and travel of additional staff, and that staff employed under 1-7-406 and 407 shall be employees of the administering county.	No	N/A	No
79	1-7-410	State	Statute	Requires Solicitor of the Fourteenth Judicial Circuit to advise with and aid the grand jury of Colleton County in its duties and the coroner or magistrate of Colleton County in inquisitions.	No	N/A	No
80	1-7-420	State	Statute	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, and that the salary and other expenses shall be covered by Dorchester County.	No	N/A	No
81	1-7-430	State	Statute	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.	No	N/A	No
82	1-7-440	State	Statute	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.	No	N/A	No
83	1-7-450	State	Statute	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, 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.	No	N/A	No
84	1-7-460	State	Statute	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, and who shall receive a salary as provided by the respective county councils.	No	N/A	No
85	1-7-470	State	Statute	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, 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.	No	N/A	No

The contents of this chart are considered sworn testimony from the Agency Director.

## Laws

January 2018 PER

### (Study Step 1: Agency Legal Directives, Plan and Resources)

<b>Agency Responding</b>	Commission on Prosecution Coordination
<b>Date of Submission</b>	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
86	1-7-480	State	Statute	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.	No	N/A	No
87	1-7-490	State	Statute	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.	No	N/A	No
88	1-7-500	State	Statute	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.	No	N/A	No
89	1-7-510	State	Statute	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.	No	N/A	No
90	1-7-520	State	Statute	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.	No	N/A	No
91	1-7-530	State	Statute	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.	No	N/A	No
92	1-7-533	State	Statute	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 of a constable.	No	N/A	No
93	1-7-540	State	Statute	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.	No	N/A	No
94	1-7-710	State	Statute	Provides that, in cases in which the right of the State may be involved, persons claiming under the State shall call on the Attorney General, or on the solicitors in their respective circuits, to defend the right of the State.	No	N/A	No
95	1-7-720	State	Statute	Requires that the Attorney General and solicitors shall sue for the penalties incurred by any public officer or board of public officers.	No	N/A	No

The contents of this chart are considered sworn testimony from the Agency Director.

## Laws

January 2018 PER

### (Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
96	1-7-730	State	Statute	Requires the Attorney General and solicitors to conduct annual examinations to determine if the county clerks of the court, sheriff, and register of deeds have discharged their duties; and make a report to the circuit court in each county at the fall term in each year and also to the General Assembly at its annual session.	No	N/A	No
97	1-7-750	State	Statute	Authorizes a Solicitor to employ outside counsel, in his discretion, without approval of the Attorney General, for civil forfeiture proceedings arising from criminal activity or from estreatment of bail bonds; in other matters, the circuit solicitor must obtain written approval of the Attorney General prior to retaining counsel to or filing a civil cause of action.	No	N/A	No
98	1-7-1000	State	Statute	Provides that Solicitors are to be paid a salary provided by the General Assembly in the annual appropriations act.	No	N/A	No
99	7-17-10	State	Statute	Provides that a Solicitor is to serve on the county board of canvassers	No	N/A	
100	7-25-200	State	Statute	Requires the Attorney General or a Solicitor to immediately prosecute a person violating Section 7-25-200 (unlawful inducement to file for or withdraw from candidacy for election).	No	N/A	No
101	12-21-2930	State	Statute	Requires Solicitors to prosecute the forfeiture of goods, wares, merchandise, or other property seized under Chapter 21, Title 12 (stamp and business license tax).	No	N/A	No
102	14-29-30	State	Statute	Authorizes Solicitors to establish and administer veterans treatment court programs, and sets out a deadline if a Solicitor accepts funding from the General Assembly for implementation of the program.	No	N/A	No
103	14-31-40	State	Statute	Authorizes Solicitors to establish and administer mental health court programs, sets out a deadline if a Solicitor accepts funding from the General Assembly for implementation of the program, and requires that notice of referral of an offender into the program must be given to the victim(s).	No	N/A	No
104	16-3-26	State	Statute	Requires Solicitors to provide notice to the defense of an intention to seek the death penalty.	No	N/A	No
105	16-3-210	State	Statute	Requires Solicitors to act as speedily as possible to apprehend and identify members of a mob and bring them to trial; and authorizes a Solicitor to conduct any investigation deemed necessary by him in order to apprehend the members of a mob and may subpoena witnesses and take testimony under oath.	No	N/A	No
106	16-3-450	State	Statute	Authorizes the Attorney General or Solicitor, if using a person indicted for fighting a duel as a witness, to have the witness' name stricken from the indictment.	No	N/A	No
107	16-3-655	State	Statute	Requires Solicitors to provide notice to the defense of an intention to seek the death penalty on a charge of criminal sexual conduct with a minor.	No	N/A	No
108	16-3-740	State	Statute	Requires Solicitors, after an offender has been charged and upon the request of a person who is the victim or a victim's legal guardian, of a criminal offense that involved the sexual penetration of the victim's body or who has been exposed to body fluids during the commission of a criminal offense, to petition the court for an order to have the offender tested for Hepatitis B and HIV, and, once the results are received, to notify the victim/victim's guardian, victim's attorney, offender, juvenile offender's parent or guardian, offender's attorney, and the detention/prison facility where the offender is incarcerated.	No	N/A	No

The contents of this chart are considered sworn testimony from the Agency Director.

Laws  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
109	16-3-750	State	Statute	Authorizes a prosecuting officer, law enforcement officer, or other government official to request a victim of an alleged criminal sexual conduct offense submit to a polygraph examination or other truth telling device as part of the investigation, charging, or prosecution of the offense if the credibility of the victim is at issue, but such a request cannot be a condition for proceeding with the investigation, charging, or prosecution of the offense.	No	N/A	No
110	16-3-1515	State	Statute	Sets out requirements and allowances for a victim seeking restitution, and authorizes the prosecuting agency to set time limits for victims to provide information necessary to requesting and determining restitution.	No	N/A	No
111	16-3-1545	State	Statute	Sets out obligations of a prosecuting agency to notify, inform, and assist victims in all criminal cases.	No		No
112	16-3-1550	State	Statute	Requires prosecuting agencies to make victim impact statements available to the defense prior to sentencing, notify a court when a victim or witness deserves special consideration, and make reasonable efforts to provide victims and witnesses with a waiting area that is separate from those used by the defense.	No	N/A	No
113	16-3-1555	State	Statute	Requires prosecuting agencies to retain victim impact statements; not to provide to the defense until after a defendant has been adjudicated or convicted; forward a copy with victim contact information to SCDOC, SCPPP or SCDJJ as appropriate; inform the victim and witnesses of their responsibility to provide and update it with SCDOC, SCPPP or SCDJJ as appropriate with their contact information; and inform victims about the collection of restitution, fees, and expenses, the recovery of property used as evidence, and how to contact SCDOC, SCDJJ, SCPPP, and the Attorney General, as appropriate.	No	N/A	No
114	16-3-1840	State	Statute	Requires the Solicitor, summary court judge, or other law enforcement agency to arrange for a bond hearing before a circuit court judge or summary court judge for a defendant charged with harassment in the first or second degree or stalking, who was ordered by a summary court judge to undergo a mental health evaluation prior to setting bail.	No	N/A	No
115	16-3-2090	State	Statute	Authorizes the Attorney General or Solicitors to pursue forfeiture of property seized in relation to trafficking in persons, and set outs procedure and process.	No	N/A	No
116	16-8-260	State	Statute	Requires the Solicitor or another prosecuting attorney to initiate forfeiture proceedings regarding: firearms, ammunition to be used in a firearm, or dangerous weapons in the possession of a member of a criminal gang; money, negotiable instruments or valuables used in a pattern of criminal gang activity or for the purpose of benefiting, promoting or furthering the interests of a criminal gang; and any contraband, as defined in Section 16-8-230, or other asset owned or titled in the name of the gang or an individual gang member when the contraband or asset has been used in a pattern of criminal gang activity or has been used for the purpose of benefiting, promoting, or furthering the interests of a criminal gang; and provides other requirements and procedure.	No	N/A	No

## Laws

January 2018 PER

### (Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
117	16-9-450	State	Statute	Imposes duty on prosecuting attorney within whose circuit or county a violation of Section 16-9-440 (officer permitting prisoner to be taken by a mob or other unlawful assemblage of persons) occurs to forthwith institute a prosecution against such officer	No	N/A	No
118	16-25-320	State	Statute	Provides that a Solicitor shall serve on the Multidisciplinary Domestic Violence Advisory Committee.	No	N/A	No
119	16-25-510	State	Statute	Requires the Solicitors, in each county or circuit, to facilitate the development of community domestic violence coordinating councils based on public-private sector collaboration.	No	N/A	No
120	16-25-520	State	Statute	Sets out the purpose of a community domestic violence coordinating council: increase the awareness and understanding of domestic violence and its consequences; reduce the incidence of domestic violence; and enhance and ensure the safety of battered individuals and their children.	No	N/A	No
121	16-25-530	State	Statute	Sets out the minimum duties and responsibilities of a community domestic violence coordinating council: (1) promoting effective strategies of intervention for identifying the existence of domestic violence and for intervention by public and private agencies; (2) establishing interdisciplinary and interagency protocols for intervention with survivors of domestic violence; (3) facilitating communication and cooperation among agencies and organizations that are responsible for addressing domestic violence; (4) monitoring, evaluating, and improving the quality and effectiveness of domestic violence services and protections in the community; (5) providing public education and prevention activities; and (6) providing professional training and continuing education activities	No	N/A	No
122	16-25-540	State	Statute	Sets out suggestions for membership of a community domestic violence coordinating council, and provides that members shall develop memoranda of agreement among and between themselves to ensure clarity of roles and responsibilities in providing services to victims of domestic violence.	No	N/A	No
123	16-25-540	State	Statute	Provides that each community domestic violence coordinating council is responsible for generating revenue for its operation and administration.	No	N/A	No
124	16-25-710	State	Statute	Domestic Violence Fatality Review Committees (title statute)	No	N/A	No
125	16-25-730	State	Statute	Provides that, when a Domestic Violence Fatality Review Committee is discussing an individual case, the meeting is closed to the public and not subject to FOIA; a violation of this provision is a misdemeanor.	No	N/A	No
126	16-25-740	State	Statute	Sets out detailed restrictions on discussing or sharing information received by, discussions of, and the work of a Domestic Violence Fatality Review Committee; exempts information, documents, and records from disclosure under FOIA, discovery rules, or subpoena unless they are otherwise available from other sources; and makes violation of the statutory provisions a misdemeanor.	No	N/A	No

The contents of this chart are considered sworn testimony from the Agency Director.

**Laws**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
127	16-25-750	State	Statute	Requires a Domestic Violence Fatality Review Committee to make recommendations when appropriate regarding training, statutory changes, public education, training for first responders and others, and the development and implementation of policies and procedures for its own governance.	No	N/A	No
128	17-1-40	State	Statute	Sets out retention and expungement requirements for records, permissible uses of such, and disclosure restrictions related to a charge against a person that has been expunged.			
129	17-7-10	State	Statute	Requires the Solicitor or coroner to order an autopsy or post-mortem examination of dead bodies to ascertain the cause of death.	No	N/A	No
130	17-7-15	State	Statute	Requires the law enforcement agency, coroner, or Solicitor who transports a human body for autopsy or other post-mortem examination to provide for return transportation to the next of kin if they reside in South Carolina.	No	N/A	No
131	17-15-55	State	Statute	Requires the Solicitors to provide proof to the court at a bond revocation or modification hearing that reasonable efforts were made to notify the defense attorney and bond surety of the time and date of the hearing; and, when a person commits a violent crime while out on bond from the commission of another violent crime, the prosecuting agency must notify the victims of both the initial and subsequent crimes of any hearings related to bond.	No	N/A	No
132	17-15-170	State	Statute	Requires the Solicitor or other person acting for the Attorney General when bond is forfeited by noncompliance with its conditions, to immediately issue a notice to summon every party bound in the forfeited recognizance to appear at the next ensuing court to show cause, if he has any, why judgment should not be confirmed against him.	No	N/A	No
133	17-19-70	State	Statute	Provides Solicitors' responsibilities in regard to indictment of corporations.	No	N/A	No
134	17-22-10	State	Statute	Pretrial Intervention (Act title)	No	N/A	No
135	17-22-20	State	Statute	Sets out definitions for the Pretrial Intervention Act	No	N/A	No
136	17-22-50	State	Statute	Sets out who is not eligible for a pretrial intervention: (1) a person who has previously been accepted into an intervention program, or (2) a person charged with one of the following offenses, unless the Solicitor determines the elements of the crime do not fit the crime: (a) blackmail; (b) driving under the influence or driving with an unlawful alcohol concentration; (c) a traffic-related offense which is punishable only by fine or loss of points; (d) a fish, game, wildlife, or commercial fishery-related offense which is punishable by a loss of eighteen points as provided in Section 50-9-1120; (e) a crime of violence as defined in Section 16-1-60; or (f) an offense contained in Chapter 25 of Title 16 if the offender has been convicted previously of a violation of that chapter or a similar offense in another jurisdiction.	No	N/A	No
137	17-22-55	State	Statute	Provides for an additional charge and forfeiture of any seized and confiscated property as a condition of admission to the pretrial intervention program of a person charged with a fish, game, wildlife, or commercial fishery-related offense, which does not disqualify the person for intervention.	No	N/A	No

**Laws**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
138	17-22-60	State	Statute	Sets out the standards of eligibility for a pretrial intervention program: (1) there is substantial likelihood that justice will be served if the offender is placed in an intervention program; (2) it is determined that the needs of the offender and the State can better be met outside the traditional criminal justice process; (3) it is apparent that the offender poses no threat to the community; (4) it appears that the offender is unlikely to be involved in further criminal activity; (5) the offender, in those cases where it is required, is likely to respond quickly to rehabilitative treatment; (6) the offender has no significant history of prior delinquency or criminal activity; and (7) the offender has not previously been accepted in a pretrial intervention program.	No	N/A	No
139	17-22-70	State	Statute	Sets out information that the Solicitor may require an offender to furnish prior to admission to a pretrial intervention program, and which must abide by laws regarding confidentiality.	No	N/A	No
140	17-22-80	State	Statute	Requires the Solicitor to ask the law enforcement agency employing the arresting officer and any victim to comment in writing as to whether the defendant should be allowed to enter a pretrial intervention program and consider any recommendations made.	No	N/A	No
141	17-22-90	State	Statute	Provides that if a domestic violence offender in a pretrial intervention program moves to a different circuit, the Solicitor of the circuit to which the offender has moved has the authority to select and approve the batterer's treatment program for the offender.	No		No
142	17-22-100	State	Statute	Provides for a time period (no later than 75 days after service of an arrest warrant or 10 days following appointment of counsel) for application for an intervention, but gives the Solicitor the discretion to waive it.	No	N/A	No
143	17-22-110	State	Statute	Provides for a \$350 fee for participation in a pretrial intervention program pursuant to 17-22-100 (nonrefundable \$100 application fee and, if accepted, a nonrefundable \$250 participation fee); Solicitor has discretion to allow fees to be paid in installments or waived in cases of indigency; all fees are to be deposited into a special account and used for operation of the pretrial intervention program; and, while aggregate fees for application and participation shall not exceed \$350, where the solicitor determines that referral to another agency or program is needed to achieve rehabilitation for a problem directly related to the charge, the defendant may be required to pay his participation in that special program, except that no services may be denied due to inability to pay.	No	N/A	No
144	17-22-120	State	Statute	Requires that a specific written agreement, to be signed by both parties, be made between the Solicitor and each defendant entering a pretrial intervention program, with the agreement to include the terms of the program and the length of the program (including the period of time after which the prosecutor will either dismiss the charge or seek a conviction based upon that charge); and provides that the Commission on Alcohol and Drug Abuse shall provide training, if requested, to counsel employees of the intervention programs, on the recognition of alcohol and drug abuse and the local agency authorized by Section 61-12-20 shall provide services to alcohol and drug abusers if referred by pretrial intervention programs (no services may be denied due to an offender's inability to pay)	No	N/A	No

**Laws**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
145	17-22-140	State	Statute	Requires the offender to make restitution, as determined by the solicitor, prior to the completion of the pretrial intervention program.	No	N/A	No
146	17-22-150	State	Statute	Provides for the disposition of charges against offenders upon either successful or unsuccessful completion of a pretrial intervention program.	No	N/A	No
147	17-22-170	State	Statute	Makes it a misdemeanor crime for any municipal, county, or state entity or any individual to unlawfully retain or release information on a person's participation in a pretrial intervention program; and exempts circuit solicitors or their staff in the performance of their official duties.	No	N/A	No
148	17-22-300	State	Statute	Traffic Education Program (Act title)	No	N/A	No
149	17-22-320	State	Statute	Provides that a person may be considered for a traffic education program if he has no significant history of traffic violations, but that a person may not participate in a traffic education program more than once; and provides that a person's participation in a traffic education program does not prevent his participation in a pretrial intervention program pursuant Article 1, Chapter 22, Title 17.	No	N/A	No
150	17-22-330	State	Statute	Provides for the disposition of charges against offenders upon either successful or unsuccessful completion of a traffic education program; and provides for termination from a program of a person who receives a subsequent traffic violation during the six months following the issuance of the ticket for which he entered the program.	No	N/A	No
151	17-22-340	State	Statute	Provides that each Solicitor may establish an Office of Traffic Education Program Coordinator whose responsibility is to assist in the establishment and maintenance of the traffic education program.	No	N/A	No
152	17-22-350	State	Statute	Provides for a nonrefundable fee or not more than \$280 fee to participate in a traffic education program (nonrefundable \$140 application fee and, if accepted, a nonrefundable participation fee of no more than \$140), that may not be reduced or suspended, but, in cases where a person is deemed unable to pay, both fees must be waived; statute provides for distribution of the fees collected: (1) for magistrate court offenses, 9.17% goes to the county for provision of services to victims of crime (as provided in 14-1-207(D)) and 6.74% goes to the Solicitors (the remainder is divided pursuant to a formula between other criminal justice related state agencies, including 23.62% to SCPPP, 15.12% to SCCJA, 13.73% to SCAG, and 10.97% to SCCID); and (2) for municipal court offenses 9.17% goes to the county for provision of services to victims of crime (as provided in 14-1-208(D)) and 6.74% goes to the Solicitors (the remainder is divided pursuant to a formula between the state's general fund and other agencies, including 10.25% to SCPPP, 10.13% to SCCJA, 7.57% to SCAG, and 11.02% to SCCID).	No	N/A	No
153	17-22-500	State	Statute	Alcohol Education Program Act (title statute).	No	N/A	No
154	17-22-520	State	Statute	Provides the eligibility requirements for the Solicitors' alcohol education program; and provides that a person's participation in an alcohol education program does not prevent his participation in a pretrial intervention program pursuant to the provisions and conditions of Article 1 of Chapter 22, Title 17.	No	N/A	No



**Laws**

January 2018 PER

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
155	17-22-540	State	Statute	Provides that each Solicitor may establish an Office of Alcohol Education Program Coordinator whose responsibility is to assist in the establishment and maintenance of the alcohol education program.	No	N/A	
156	17-22-550	State	Statute	Provides for a \$250 fee for participation in an alcohol education program, except that, when the solicitor contracts with education and supervision providers, the person also may be subject to additional fees payable to the provider of these services; the Solicitor has discretion to reduce or waive fees in cases of indigency (participation in an alcohol education program cannot be denied due to an inability to pay fees); and all fees must be deposited into a special account and used for operation of the alcohol education program.	No	N/A	No
157	17-22-710	State	Statute	Authorizes a Solicitor to establish, under his direction and control and with the agreement of the county governing body, a Worthless Check Unit for the purpose of processing worthless checks and to assist the victims of these cases in the collection of restitution; provides a fee schedule for such a program and provides that an amount equal to the allowable administrative costs contained in Section 34-11-70(c) must be added to the fee; provides that all fees collected by the Worthless Check Unit in accordance with the fee schedule promulgated pursuant to this section must be deposited into a fund known as the Worthless Check Fund maintained by the county treasurers of the counties comprising the circuit, other than court costs and an amount equal to the allowable administrative costs contained in Section 34-11-70(c) which must be remitted to the treasurer for deposit in the county general fund, and that funds collected and deposited into this fund must be applied first to defray the costs of operating the Worthless Check Unit with the balance to be used by the Solicitor to pay the normal operating expenses of his office; provides that funds generated pursuant to this section may not be used to reduce the amount budgeted by the county to the solicitor's office; and provides that unclaimed victim restitution must be transferred to the general fund of the county.	No	N/A	No
158	17-22-910	State	Statute	Provides that all expungements of criminal records are to be administered by the Solicitors' Offices, and that a person's eligibility for expungement of an offense contained in this section, or authorized by any other provision of law, must be based on the offense that the person pled guilty to or was convicted of committing and not on an offense for which the person may have been charged.	No	N/A	No
159	17-22-920	State	Statute	Requires the clerks of court to direct all inquiries about expungements to the Solicitors' Offices.	No	N/A	No
160	17-22-930	State	Statute	Requires that a person applying for an expungement use forms from the Solicitor's Office in the circuit where the charge originated.	No	N/A	No

The contents of this chart are considered sworn testimony from the Agency Director.

## Laws

January 2018 PER

### (Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
161	17-22-940	State	Statute	Provides for a \$250 administrative fee payable to the Solicitor's Office for the expungement service, except where a person was found not guilty or the charge was dismissed other than as part of a plea agreement; provides for the Solicitors' Offices to implement policies and procedures to ensure a properly conducted process; impose duties related to signatures and providing copies; requires SLED to verify and document that charges are appropriate for expungement before expungement signed and to receive \$25 fee for this service; generally limits each expungement order to one charge; allows Solicitor to waive fees for persons who, as victims of identity theft, have been falsely accused of a crime; and requires each Solicitor to maintain a record of all fees collected which are to remain confidential, except that they are to be made available to the Chairmen of the House and Senate Judiciary Committees.	No	N/A	No
162	17-22-950	State	Statute	Provides for the expungement of summary court charges by the summary court if a person is found not guilty or the charges are dismissed or nolle prossed at no cost to the person, and sets out process and timeline for such; and provides that a prosecution or law enforcement agency may file an objection, which must be heard by the court of general sessions.	No	N/A	No
163	17-24-80	State	Statute	Requires the Solicitors to immediately notify the local probation office when a defendant is released pursuant to Sections 17-24-40(C)(2)(a), 17-24-40(C)(2)(c), or 17-24-70(B).	No	N/A	No
164	17-25-45	State	Statute	Requires Solicitors to provide notice to the defense of an intention to seek life without parole not less than 10 days before trial.	No	N/A	No
165	17-25-560	State	Statute	Requires those in Solicitors' offices, other state agencies, and law enforcement to report to the Office of the Attorney General, South Carolina Crime Victim Services Division, any knowledge they have of an offender's profit from a crime.	No	N/A	No
166	17-28-50	State	Statute	Requires Solicitors (or Attorney General if prosecuted the case) to respond to an application for post conviction DNA testing	No	N/A	No
167	17-29-30	State	Statute	Authorizes the Attorney General, Solicitors, and their assistants to apply for an order to approve installation and use of pen register or trace devices, and sets out required contents of an application.	No	N/A	No
168	22-3-545	State	Statute	Requires the Solicitors' Offices to prosecute cases transferred from the general sessions court docket to the summary courts and provide for an adequate record to be made of such cases.	No	N/A	No
169	22-3-546	State	Statute	Provides that Solicitors with five or more counties may establish a program for the prosecution of persons charged with first offense criminal domestic violence so as to allow those charges to be handled in General Sessions Court (rather than Summary Court), and requires that the results of any such programs be submitted to SCCPC.	Yes	N/A	Yes - Other service or product
170	23-3-660	State	Statute	Requires the Solicitors to notify SLED when a person whose DNA was included in the State DNA Database upon arrest, issuance of courtesy summons, or indictment is eligible to have his DNA record and profile expunged.	No	N/A	No
171	23-39-80	State	Statute	Requires the Solicitors to institute proceedings against person(s) who misbrand hazardous materials, upon receipt of a report of a violation by the Commissioner of Agriculture.	No	N/A	No
172	24-26-10	State	Statute	Provides that a Solicitor shall serve on the Sentencing Guidelines Commission	No	N/A	No

The contents of this chart are considered sworn testimony from the Agency Director.

## Laws

January 2018 PER

### (Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
173	25-1-3115	State	Statute	Requires Solicitors, when called upon by presidents of courts-martial and summary court officers, to assist with the issuance of any writ, warrant, subpoena, or other process.	No	N/A	No
174	29-3-350	State	Statute	Requires Solicitors to ensure that all registers of deeds and clerks of court comply with Section 29-3-350 (entry of cancellation on indexes) and prosecute violators.	No	N/A	No
175	39-3-190	State	Statute	Requires the Solicitors to enforce the provisions of Article, Chapter 3, Title 39 (Monopolies, Conspiracies in Restraint of Trade, Boycotts and Sales at Less Than Cost).	No	N/A	No
176	39-5-130	State	Statute	Requires the Solicitors, if requested, to assist the Attorney General with the prosecution of offenses under Article 1, Chapter 5, Title 39 (unfair trade practices) or, if a Solicitor is prosecuting such violations himself with the approval of the Attorney General, provide a full report to the Attorney General at the conclusion of the prosecution.	No	N/A	No
177	39-15-1190	State	Statute	Authorizes the Solicitors to institute criminal proceedings against persons who knowingly and willfully transport, transfer, distribute, sell, or otherwise dispose of, or possess with intent to transfer, transport, distribute, sell, or otherwise dispose of, an item having a counterfeit mark on it or in connection with it.	No	N/A	No
178	39-25-70	State	Statute	Requires Solicitors to prosecute person(s) manufacturing, selling, or offering for sale adulterated or misbranded foods, upon report by the Commissioner of Agriculture	No	N/A	No
179	41-3-130	State	Statute	Requires Solicitors to prosecute violations of laws and regulations of the Department of Labor, Licensing and Regulation upon request.	Yes	N/A	No
180	41-25-110	State	Statute	Authorizes Solicitors and others to enforce the provisions of Chapter 25, Title 40 (Private Personnel Placement Services).	No	N/A	No
181	41-27-590	State	Statute	Requires the Attorney General or, at the request and direction of the Attorney General, a Solicitor to prosecute violations of Chapters 27 through 41, Title 41 and any rules and regulations issued pursuant thereto.	No	N/A	No
182	43-35-560	State	Statute	Provides that a Solicitor shall serve on the Vulnerable Adults Fatalities Review Committee.	No	N/A	No
183	44-23-430	State	Statute	Requires Solicitors -- either (a) upon a judicial determination that a defendant is unfit to stand trial for the reasons set forth in Section 44-23-410 and is unlikely to become fit to stand trial in the foreseeable future or (b) upon a judicial determination that a defendant is unfit to stand trial but likely to become fit in the foreseeable future and hospitalization for up to an additional 60 days, the defendant is still unfit to stand trial -- to initiate judicial admission proceedings in the probate court pursuant to Sections 44-17-510 through 44-17-610 or Section 44-20-450 within fourteen days.	No	N/A	No
184	44-48-60	State	Statute	Provides that a Solicitor is to serve on the Attorney General's prosecutor's review committee (sexually violent predator).	No	N/A	No
185	44-53-460	State	Statute	Authorizes the prosecution to present evidence at a hearing, for one convicted of a violation of Section 44-53-370(a) or (c), for a reduced sentence for an accommodation offense.	No	N/A	No

The contents of this chart are considered sworn testimony from the Agency Director.

**Laws**  
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Prosecution Coordination
Date of Submission	April 6, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve? (Y/N)	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide? (Y/N)
186	44-53-530	State	Statute	Authorizes the Attorney General or Solicitors to pursue and sets out process for forfeiture of property seized in relation to drug and counterfeit mark offenses (Sections 44-53-520 and 39-15-1195); provides for the disposition of forfeited property; requires that prosecution agencies must keep forfeited monies and proceeds from the sale of forfeited property in a separate, special account and use only for expenses related to the prosecution of drug offenses and litigation of drug-related matters; and provides that these monies cannot be used to supplant operating funds in the current or future budgets.	No	N/A	No
187	46-27-870	State	Statute	Requires Solicitors to prosecute violations of stock and poultry preparation laws, upon report by the Commissioner of Agriculture	Yes	South Carolina Department of Agriculture	Yes - Other service or product
188	46-35-20	State	Statute	Requires Solicitors to petition the circuit courts for an order removing or destroying neglected or abandoned trees upon receipt of report from the Commissioner of Agriculture.	Yes	South Carolina Department of Agriculture	Yes - Other service or product
189	56-5-2910	State	Statute	Requires the Solicitors to notify the representative of a victim of the reckless vehicular homicide of the defendant's intent to seek reinstatement of his driver's license.	No	N/A	No
190	56-5-2970	State	Statute	Requires the Attorney General, or the Solicitors as directed by the Attorney General, to collect the \$25 fine imposed upon clerks of court, magistrates, city recorders, and other public officers who fail to report convictions, pleas and bond forfeitures as required by the statute (violations of 56-5-2930, 56-5-2933, and any other laws or ordinances of this State that prohibit any person from operating a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics), and deposit such into the general fund of the State.	No	N/A	No
191	56-29-50	State	Statute	Requires the Solicitors to give notice of forfeiture proceedings for property used or possessed in violation of or to promote or facilitate a violation of Section 56-29-30 (chop shop).	No	N/A	No
192	58-17-4140	State	Statute	Imposes an obligation on the Office of Regulatory Staff or the Solicitors to file suit to collect all fines and forfeitures provided for in the General Railroad Law, unless otherwise expressed provided.	No	N/A	No
193	61-6-4240	State	Statute	Requires the Attorney General, or the Solicitors as directed by the Attorney General, to collect the \$25 fine imposed upon clerks of court, magistrates, city recorders, and other public officers who fail to report convictions, pleas and bond forfeitures as required by the statute, and deposit such into the general fund of the State.	No	N/A	No
194	61-6-4390	State	Statute	Requires the Solicitors to defend all suits brought, before sales of chattel under Section 61-6-4370, by persons claiming an interest in or right to the chattel.	No	N/A	No
195	61-10-270	State	Statute	Requires Solicitors to bring an action against a person who violates provisions for manufacturing ethyl or methyl alcohol.	No	N/A	No
196	63-11-1930	State	Statute	Provides that a Solicitor is to serve on the State Child Fatality Advisory Committee.	No	N/A	No
197	63-19-1010	State	Statute	Requires the Solicitors' Offices to review recommendations by SCDSS as to intake of juveniles and make the final determination as to whether or not the juvenile is to be prosecuted in the family court.	No	N/A	No
198	63-19-2050	State	Statute	Requires a prosecution agency, that is objecting to an expungement of juvenile records, to provide notice to the juvenile.	No	N/A	No