

# *Law Enforcement and Criminal Justice Subcommittee Meeting*

September 18, 2018 - SCCPC

## Table of Contents

### Contents

Agenda.....	3
Meeting Minutes .....	5
S.C. Judicial Circuits.....	9
Figure 1. Map of S.C. judicial circuits with counties and list of circuit solicitors and public defenders as of August 2018.....	9
Study Timeline .....	10
Figure 2. Key dates in the study process (December 2017 - present).....	10
Agency Snapshot .....	11
Figure 3. Snapshot of the major agency positions, fiscal year 2017-18 resources (employees and funding), successes, and challenges. ....	11
Mission and Vision .....	12
Organizational Structure.....	13
Figure 4. Agency Organizational Chart as of August 2018. ....	13
Products and Services.....	14
Table 1. List of the agency's deliverables. ....	14
Legal Directives .....	18
Basis for creating the agency .....	18
Roles of SCCPC v. Solicitors .....	19
Specific duties of SCCPC and finances .....	19
Agency Recommendations .....	20
Internal Changes .....	21
Internal Change #1: Electronic transfer of state appropriations/funds to Circuit Solicitors' Offices.....	21
Law Change Recommendations.....	22
Law Change Recommendation #1 - S.C. Code Ann. Section 1-7-420 .....	22
Law Change Recommendation #2 - S.C. Code Ann. Section 1-7-430. ....	23
Law Change Recommendation #3 - S.C. Code Ann. Section 1-7-440. ....	24
Law Change Recommendation #4 - S.C. Code Ann. Section 1-7-450. ....	25
Law Change Recommendation #5 - S.C. Code Ann. Section 1-7-460. ....	26
Law Change Recommendation #6-S.C. Code Ann. Section 1-7-470. ....	27
Law Change Recommendation #7 - S.C. Code Ann. Section 1-7-480. ....	28
Law Change Recommendation #8 - S.C. Code Ann. Section 1-7-490. ....	29
Law Change Recommendation #9 - S.C. Code Ann. Section 1-7-500. ....	30
Law Change Recommendation #10 - S.C. Code Ann. Section 1-7-510. ....	31
Law Change Recommendation #11 - S.C. Code Ann. Section 1-7-520. ....	32
Law Change Recommendation #12 - S.C. Code Ann. Section 1-7-530. ....	33
Law Change Recommendation #13 - S.C. Code Ann. Section 1-7-533. ....	34
Law Change Recommendation #14 - S.C. Code Ann. Section 1-7-540. ....	35
Law Change Recommendation #15 - S.C. Code Ann. Section 1-7-940. ....	36
Law Change Recommendation #16 - S.C. Code Ann. Section 22-3-546. ....	37
Constitutional and statutory authority relating to law enforcement and prosecution of crimes .....	38

General Assembly .....	38
Attorney General .....	38
Criminal Justice System .....	39
Figure 5. Criminal justice system flow chart.....	40
Investigative Grand Juries and State RICO Act .....	41
Evidence Data .....	41
Committee Contact Information .....	43

# 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, September 18, 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**



*Katherine E. (Katie) Arrington*  
*William K. (Bill) Bowers*  
*Neal A. Collins*  
*MaryGail K. Douglas*  
*William M. (Bill) Hixon*  
*Jeffrey E. (Jeff) Johnson*  
*Robert L. Ridgeway, III*  
*Bill Taylor*  
*John Taliaferro (Jay) West, IV*

*Bruce W. Bannister*  
*Gary E. Clary*  
*Chandra E. Dillard*  
*Phyllis J. Henderson*  
*Joseph H. Jefferson, Jr.*  
*Mandy Powers Norrell*  
*Tommy M. Stringer*  
*Edward R. Tallon, Sr.*  
*Robert Q. Williams*

### **South Carolina House of Representatives**

*Jennifer L. Dobson*  
*Research Director*

*Cathy A. Greer*  
*Administration Coordinator*

*Charles L. Appleby IV*  
*Legal Counsel*

*Carmen J. McCutcheon Simon*  
*Research Analyst/Auditor*

*Kendra H. Wilkerson*  
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### **Law Enforcement and Criminal Justice Subcommittee**

**Tuesday, August 28, 2018**

**11:00 am**

**Blatt Room 110**

#### **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 Chairman Edward R. Tallon, Sr., on Tuesday, August 28, 2018, in Room 110 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 Johnson makes a motion to approve the meeting minutes from the prior Subcommittee meetings.

Rep. Johnson's motion to approve the minutes from the August 20, 2018, meeting:	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

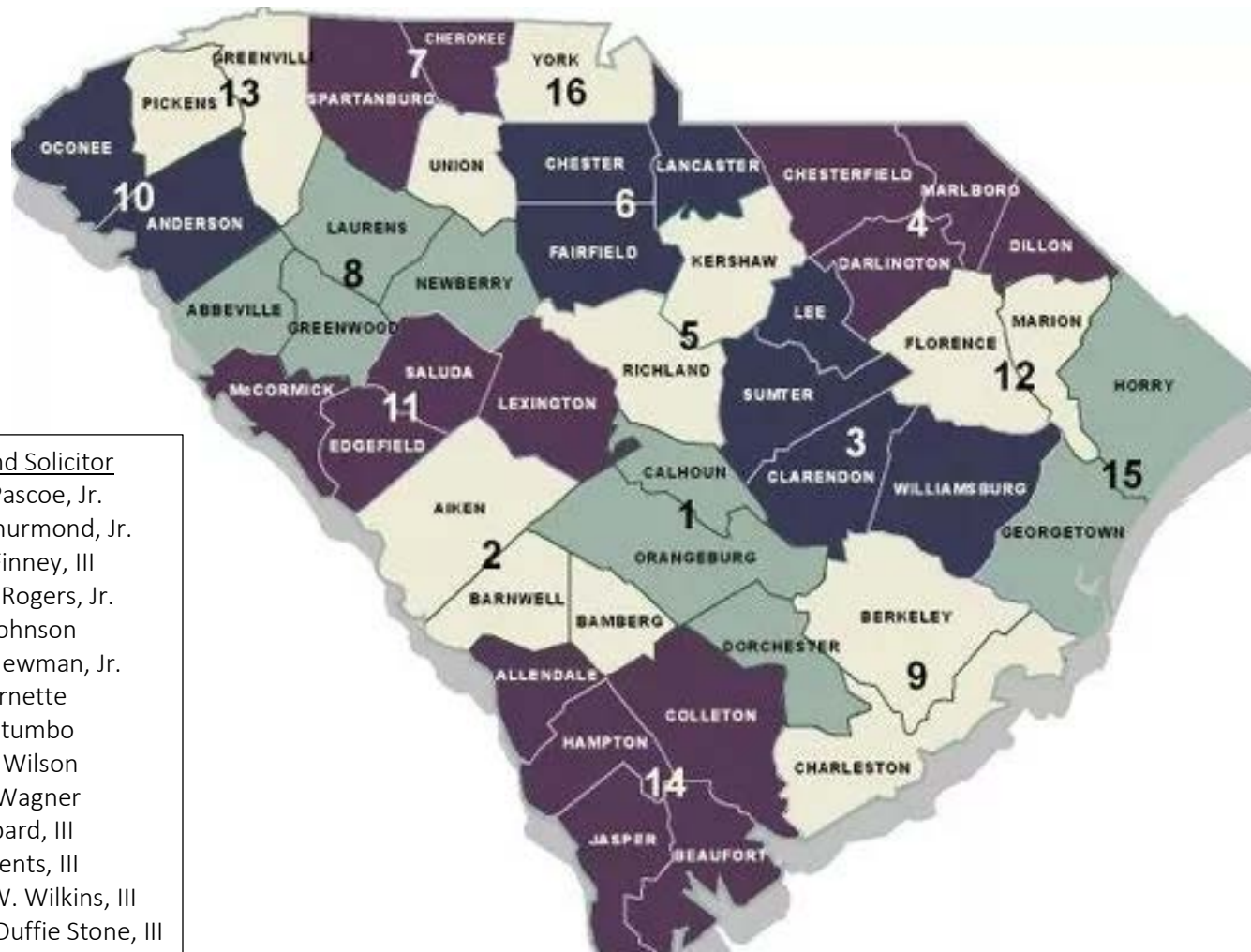
## Discussion of the Commission on Indigent Defense

- I. Subcommittee Chairman Tallon explains a purpose of the meeting today is for the agency to present information about its Office of Circuit Public Defenders. Another purpose is for Ms. Margaret Gressens, Research Director for the North Carolina Office of Indigent Defense Services, who lead the North Carolina System Evaluation Project, to present information on research and performance measures that may be utilized by public defenders and contract attorneys who represent indigent defendants.
- II. Subcommittee Chairman Tallon swears in the following agency personnel:
  - a. 1<sup>st</sup> Circuit Public Defender Mark Leiendecker,
    - i. Calhoun, Dorchester, and Orangeburg counties
  - b. 2<sup>nd</sup> Circuit Public Defender De Grant Gibbons,
    - i. Aiken, Bamberg, and Barnwell counties
  - c. 3<sup>rd</sup> Circuit Public Defender Jack D. Howle, Jr.,
    - i. Clarendon, Lee, Sumter, and Williamsburg counties
  - d. 4<sup>th</sup> Circuit Public Defender Matt Rivers,
    - i. Chesterfield, Darlington, Dillon, and Marlboro counties
  - e. 5<sup>th</sup> Circuit Public Defender Fielding Pringle,
    - i. Kershaw and Richland counties
  - f. 6<sup>th</sup> Circuit Public Defender Mike Lifsey,
    - i. Chester, Fairfield, and Lancaster counties
  - g. 7<sup>th</sup> Circuit Public Defender Clay T. Allen,
    - i. Cherokee and Spartanburg counties
  - h. 8<sup>th</sup> Circuit Public Defender Janna A. Nelson,

- i. Abbeville, Greenwood, Laurens, and Newberry counties
  - i. 9<sup>th</sup> Circuit Public Defender D. Ashley Pennington,
    - i. Charleston and Berkeley counties
  - j. 10<sup>th</sup> Circuit Public Defender Jennifer L. Johnson,
    - i. Anderson and Oconee counties
  - k. 11<sup>th</sup> Circuit Public Defender Robert M. Madsen,
    - i. Edgefield, McCormick, and Saluda counties
  - l. 12<sup>th</sup> Circuit Public Defender Scott Floyd,
    - i. Florence and Marion counties
  - m. 13<sup>th</sup> Circuit Public Defender Christopher D. Scalzo,
    - i. Greenville and Pickens counties
  - n. 14<sup>th</sup> Circuit Public Defender Stephanie Smart-Gittings,
    - i. Allendale, Beaufort, Colleton, Hampton, and Jasper counties
  - o. 14<sup>th</sup> Circuit Deputy Public Defender Lauren Carroway,
  - p. 15<sup>th</sup> Circuit Public Defender Orrie E. West,
    - i. Georgetown and Horry counties
  - q. 16<sup>th</sup> Circuit Public Defender Harry A. Dest, and
    - i. Union and York counties
  - r. Ms. Margaret Gressens, Research Director for the North Carolina Office of Indigent Defense Services.
- III. Mr. Hugh Ryan, Executive Director of the S.C. Commission on Indigent Defense, testifies about the Office of Circuit Public Defenders, a division of the agency. Members ask questions, which Mr. Ryan answers.
- IV. Each circuit public defender testifies about the number of attorneys in their office, salary range, and staff evaluations, if any are conducted. Members ask questions, which the circuit public defender's answer.
- V. Ms. Margaret Gressens testifies about performance measures in general and indicators that may be utilized to measure the performance of indigent defense systems, which resulted from the N.C. Systems Evaluation Project's work with four pilot sites around the country (i.e., Connecticut Division of Public Defender Services, statewide agency; Knox County Public Defender's Community Law Office in Tennessee, county public defender office; North Carolina Office of Indigent Defense Services, statewide agency; and Travis County Court Administration in Texas, county oversight agency) over a two and a half year period. Members ask questions, which Ms. Gressens answers. Also, Mr. Ryan asks questions which Ms. Gressens answers.
- III. There being no further business, the meeting is adjourned.



# S.C. JUDICIAL CIRCUITS



## Circuit and Solicitor

- 1 - David M. Pascoe, Jr.
- 2 - J. Strom Thurmond, Jr.
- 3 - Ernest A. Finney, III
- 4 - William B. Rogers, Jr.
- 5 - Daniel E. Johnson
- 6 - Randy E. Newman, Jr.
- 7 - Barry J. Barnette
- 8 - David M. Stumbo
- 9 - Scarlett A. Wilson
- 10 - David R. Wagner
- 11 - S.R. Hubbard, III
- 12 - E.L. Clements, III
- 13 - William W. Wilkins, III
- 14 - Isaac McDuffie Stone, III
- 15 - Jimmy A. Richardson
- 16 - Kevin S. Brackett

## Circuit and Public Defender

- 1 - Mark Leiendecker
- 2 - De Grant Gibbons
- 3 - Jack D. Howle, Jr.
- 4 - Matt Rivers
- 5 - Fielding Pringle
- 6 - Mike Lifsey
- 7 - Clay T. Allen
- 8 - Janna A. Nelson
- 9 - D. Ashley Pennington
- 10 - Jennifer L. Johnson
- 11 - Robert M. Madsen
- 12 - Scott Floyd
- 13 - Christopher D. Scalzo
- 14 - Stephanie Smart-Gittings
- 15 - Orrie E. West
- 16 - Harry A. Dest

Figure 1. Map of S.C. judicial circuits with counties and list of circuit solicitors and public defenders as of August 2018.<sup>1</sup>

# 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 - Holds **Meeting #3** to discuss agency finances and continue discussion of the agency's **deliverables and strategic plan**
- August 20, 2018 - Holds **Meeting #4** to discuss authority of Office of the Attorney General over solicitors; warrant approval process; county investigative grand juries; cloud-based evidence databases; and continue discussion of the agency's deliverables and strategic plan
- September 18, 2018 - (TODAY) Holds **Meeting #5** to discuss agency internal and law recommendations and questions from topics presented during prior meetings.

## 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](http://www.scstatehouse.gov))

*Figure 2. 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.

#### *Education Coordinator / Senior Staff Attorney*

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

#### *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.

#### *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 3. Snapshot of the major agency positions, fiscal year 2017-18 resources (employees and funding), successes, and challenges.<sup>2</sup>

# MISSION AND VISION

The agency provides S.C. Code Ann. Section 1-7-940 as the basis for its mission and vision.<sup>3</sup> It also provides Rule 3.8, Comment 1, S.C. Rules of Professional Conduct (Rule 407, SCACR) as additional basis for its mission.<sup>4</sup> 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.<sup>5</sup>

SCCPC's **vision** is to enhance the ability of South Carolina's state prosecutors to seek justice.<sup>6</sup>

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.

# ORGANIZATIONAL STRUCTURE

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

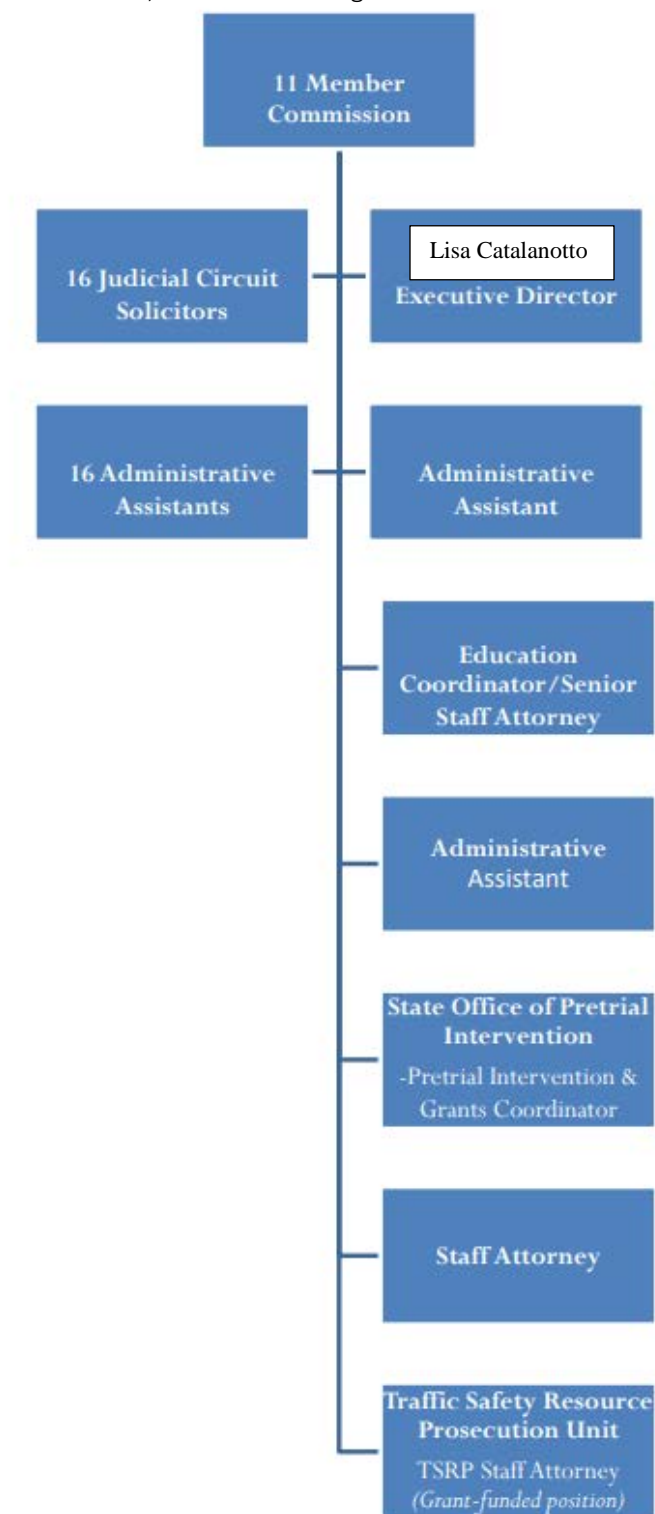


Figure 4. Agency Organizational Chart as of August 2018.<sup>7</sup>

# 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.<sup>8</sup> Table 1 includes an overview of the deliverables provided by the agency and Tables 3.1 - 3.33 include additional information about each of the deliverables.

Table 1. List of the agency's deliverables.

Item # <sup>9</sup>	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.

Item # <sup>9</sup>	Deliverable	Does law require, allow, or not address it?
12-15	Domestic violence...	<u>Required by</u>
	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.



Item # <sup>9</sup>	Deliverable	Does law require, allow, or not address it?
20-22	Alcohol education programs...	<u>Required by</u>
	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



Item # <sup>9</sup>	Deliverable	Does law require, allow, or not address it?
28-30	Serve on...	<u>Required by</u>
	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.

# 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)<sup>10</sup>

To address these issues, the General Assembly directed the SCCPC, “to coordinate all activities involving the prosecution of criminal cases in this State.”<sup>11</sup> Other specified duties of the SCCPC include<sup>12</sup>:

- a. coordinate all administrative functions of the solicitors' offices and any affiliate services;
- b. submit the budgets of the solicitors and their affiliate services to the General Assembly;
- c. 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
- d. provide blank indictments for the Solicitors.

Unlike the S.C. Commission on Indigent Defense and circuit public defenders, the General Assembly did not expressly provide 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.”<sup>13</sup> 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.”<sup>14</sup>

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.**<sup>15</sup>

## *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**.<sup>16</sup> 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.<sup>17</sup>

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.”<sup>18</sup>

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.<sup>19</sup>

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.<sup>20</sup> 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.<sup>21</sup>

## *Specific duties of SCCPC and finances*

In the past, the General Assembly has vacillated 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.<sup>22</sup> 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.<sup>23</sup>

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.

# 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. All of the agency's recommendations, which are listed below, relate to the agency as a whole, as opposed to any particular organizational unit within the agency.

- 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 Changes*

### ***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 Recommendations

<b>Law Change Recommendation #1 - S.C. Code Ann. Section 1-7-420</b>	
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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-420.</b> 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.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-430.</b></del> 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><del>HISTORY: 1962 Code Section 1-257.1:2; 1974 (58) 2989.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-440.</b> 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.</del></p> <p><del>HISTORY: 1962 Code Section 1-257.1:3; 1971 (57) 24.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-450.</b> 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.</del></p> <p><del>HISTORY: 1962 Code Section 1-257.2; 1966 (54) 2014.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-460.</b> 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.</del></p> <p><del>HISTORY: 1962 Code Section 1-258; 1959 (48) 139; 1975 (59) 819.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-470.</b> Assistant solicitor for seventh judicial circuit. 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. 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.</del></p> <p><del>HISTORY: 1962 Code Section 1-260; 1953 (48) 401.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><b>SECTION 1-7-480.</b> Assistant solicitor for eighth judicial circuit.</p> <p><del>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.</del></p> <p><del>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.</del></p> <p><del>HISTORY: 1962 Code Section 1-260.01; 1970 (56) 2276.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-490.</b> Assistant solicitors for ninth judicial circuit.</del></p> <p><del>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.</del></p> <p><del>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.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-500.</b> 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.</del></p> <p><del>HISTORY: 1962 Code Section 1-260.2; 1957 (50) 325.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-510.</b> 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.</del></p> <p><del>HISTORY: 1962 Code Section 1-260.6; 1973 (58) 219.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-520.</b> Assistant solicitor for fourteenth judicial circuit.</del></p> <p><del>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.</del></p> <p><del>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.</del></p> <p><del>HISTORY: 1962 Code Section 1-260.7; 1969 (56) 716.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-530.</b> Assistant solicitor for sixteenth judicial circuit.</del></p> <p><del>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.</del></p> <p><del>HISTORY: 1962 Code Section 1-260.9; 1971 (57) 26.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-533.</b> 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.</del></p> <p><del>HISTORY: 1976 Act No. 491, Section 1.</del></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><b>SECTION 1-7-405.</b> 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><b>SECTION 1-7-406.</b> 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><del><b>SECTION 1-7-540.</b> 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.</del></p> <p><del>HISTORY: 1962 Code Section 1-260.3; 1966 (54) 2155; 1969 (56) 656; 1975 (59) 74.</del></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	<b>SECTION 1-7-940. Duties.</b> (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; <del>(4) provide blank indictments for the circuit solicitors.</del>  (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 (3<sup>rd</sup> degree) must be prosecuted in General Sessions Court unless the Solicitor decides to prosecute them in the Summary Court.</p> <p><b>SECTION 16-25-20.</b> Acts prohibited; penalties.  (D) A person commits the offense of domestic violence in the third degree if the person violates subsection (A).  (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:  (1) cause physical harm or injury to a person's own household member; or  (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><b>Title 22 - Magistrates and Constables</b></p> <p><b>Article 5 - Criminal Jurisdiction</b></p> <p><del><b>SECTION 22-3-546.</b> Establishment of program for prosecution of first offense misdemeanor criminal domestic violence offenses.</del></p> <p><del>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.</del></p> <p><del>HISTORY: 2006 Act No. 366, Section 2, eff June 9, 2006.</del></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

# CONSTITUTIONAL AND STATUTORY AUTHORITY RELATING TO LAW ENFORCEMENT AND PROSECUTION OF CRIMES

## *General Assembly*

State constitution provisions:

- Sheriffs
  - General Assembly provides the duties and compensation of sheriffs;<sup>24</sup>
- Solicitors
  - General Assembly divides the state into judicial circuits;<sup>25</sup>
  - General Assembly provides the duties and compensation of judicial circuit solicitors;<sup>26</sup> and
- Other Officials to enforce criminal laws
  - General Assembly provides the 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.<sup>27</sup>

## *Attorney General*

State constitution and other sources state the following about the authority of the Office of the Attorney General:

- State Constitution
  - Attorney General is the chief prosecuting officer of the state;<sup>28</sup>
  - Attorney General has authority to supervise the prosecution of all criminal cases in courts of record;<sup>29</sup>
- State Statutes
  - Attorney General will consult with and advise solicitors in matters relating to the duties of their offices.<sup>30</sup>
  - When required by the Attorney General, 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;<sup>31</sup>
  - When directed by the Governor or Attorney General, solicitors shall assist the Attorney General, or each other, in all prosecution on behalf of the state;<sup>32</sup>
- South Carolina Supreme Court decisions:
  - Attorney General is the chief prosecuting officer of the state for both criminal and civil proceedings;<sup>33</sup>
  - Attorney General has authority to prosecute cases in magistrate and municipal courts;<sup>34</sup>
  - Duties of the Attorney General, as chief prosecuting officer of the state, are performed by the Attorney General not only through his immediate staff, but through his constitutional authority to supervise and direct the activities of the solicitors or prosecuting attorneys located in each judicial circuit of the state;<sup>35</sup>
  - General Assembly may not limit the Attorney General's prosecutorial authority granted in the state constitution;<sup>36</sup> and
  - The South Carolina Constitution and South Carolina case law place the unfettered discretion to prosecute solely in the prosecutor's hands; prosecutors may pursue a case to trial, or they may plea bargain it down to a lesser offense, or they may simply decide not to prosecute the offense in its entirety.<sup>37</sup>

# CRIMINAL JUSTICE SYSTEM

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

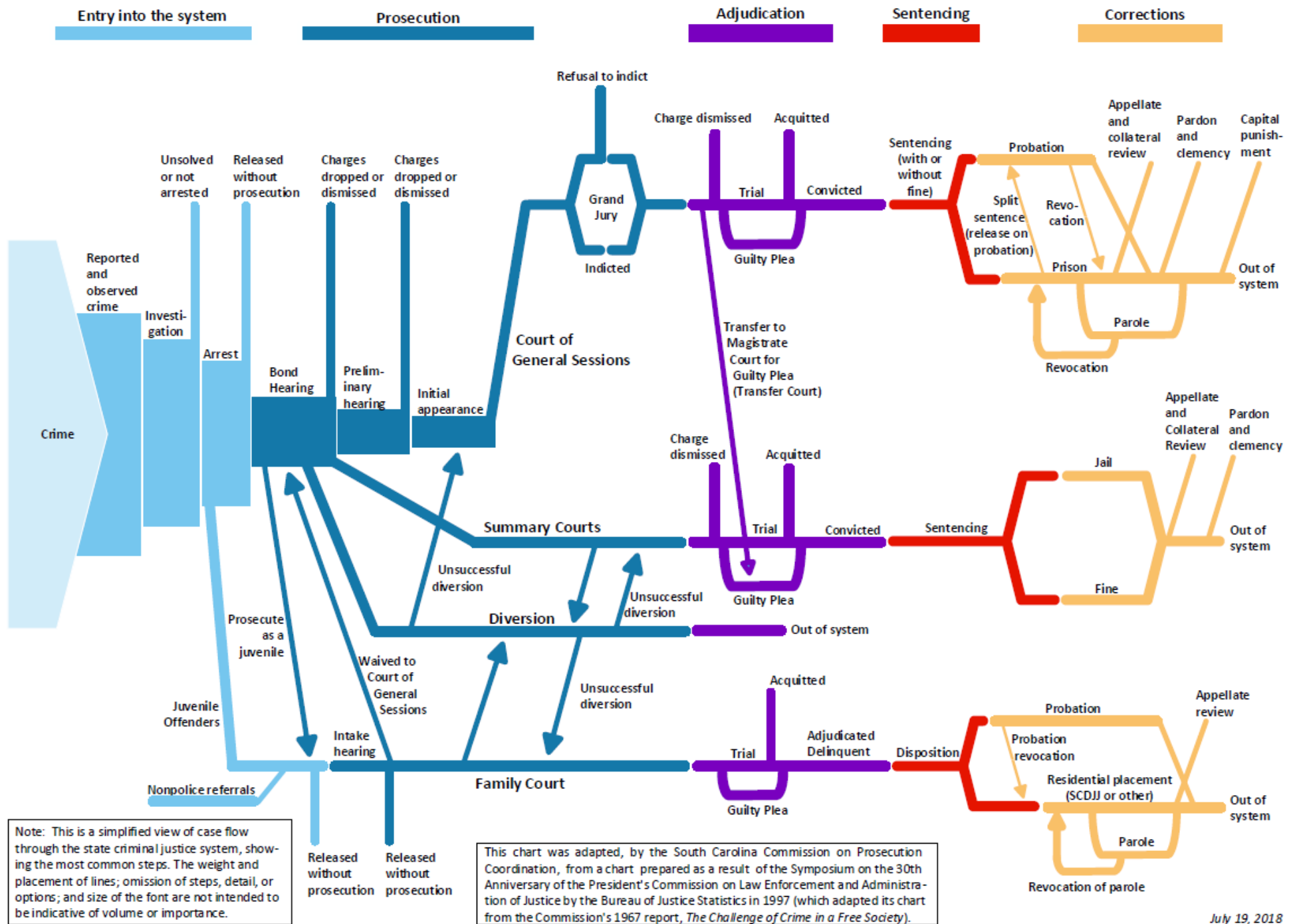


Figure 5. Criminal justice system flow chart.



## *Investigative Grand Juries and State RICO Act*

During the July 24, 2018, Subcommittee meeting, the topic of investigative grand juries was discussed.<sup>38</sup> According to SCCPC, one benefits of having investigative grand juries in the county is proximity to witnesses.<sup>39</sup> An example provided was an investigation into Colleton County gang activity, which, if done through the investigative state grand jury would require witnesses traveling three hours away.<sup>40</sup> Additional benefits to investigative grand juries mentioned include the (1) ability to subpoena witnesses, so they are required to come, which ensures information is provided by those who otherwise do not want to do so; and (2) secret nature of the grand jury which allows witnesses to talk to law enforcement.<sup>41</sup> SCCPC offered the possibility of having a temporary or periodical investigative grand jury in counties, as opposed to a standing one.<sup>42</sup>

There was also testimony about a state racketeer influenced and corrupt organizations (RICO) act, like in Georgia and North Carolina, which would allow for arresting and prosecuting large groups of criminals at the same time.<sup>43</sup>

The Subcommittee requested additional details from the agency in an August 1, 2018, letter.<sup>44</sup> In response, SCCPC stated it plans to provide further details regarding a recommendation, and rationale, for having investigative grand juries in counties, as well as a state (RICO) act, after its next regularly scheduled meetings of both the Commission and solicitors at the end of September.<sup>45</sup>

## *Evidence Data*

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

According to SCCPC, much of the evidence today originates in digital format.<sup>46</sup> 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.<sup>47</sup>

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.<sup>48</sup>

Table 1 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. On the next page is a brief summary of information provided by the agency related to law enforcement agencies currently using a cloud-based evidence database.

- 21 counties use a cloud-based evidence database in at least one law enforcement agency
- 46 police departments in 21 counties use a cloud-based evidence database
  - Has the database made transfer of evidence easier and/or more efficient?
    - 25 = Yes; 19 = no comment; 1 = No; 1 = Not efficient for individual officer
  - Upfront cost to use database → \$0 to \$38,889
  - Annual cost to use database → \$0 to \$143,000
- 18 county Sheriff's Offices use cloud-based evidence database
  - Has the database made transfer of evidence easier and/or more efficient?
    - 11 = Yes; 6 = no comment; 1 = states it is not regularly used
  - Upfront cost to use database → \$0 to \$336,140
  - Annual cost to use database → \$0 to \$200,000

#### **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.<sup>49</sup>

SCCPC proposes that cases be calculated as events, which would be consistent with how law enforcement calculates cases.<sup>50</sup> 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.

## COMMITTEE CONTACT INFORMATION



- Website - <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>
- Phone Number - 803-212-6810
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<sup>1</sup> Greenville Online, <https://www.greenvilleonline.com/story/news/crime/2015/03/09/citizens-group-court-backlog-making-streets-unsafe/24524199/> (Accessed April 19, 2018); August 9, 2018 email from Rodney Grizzle, SCCID to Charles Appleby, staff for House Legislative Oversight Committee.

<sup>2</sup> 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/committeeinfo/houselegislativeoversightcommittee/agencyphpfiles/indigentdefense.php> (accessed April 17, 2018).

<sup>3</sup> Agency’s PER, Strategic Plan Summary Chart.

<sup>4</sup> Agency’s PER, Strategic Plan Summary Chart.

<sup>5</sup> Agency’s PER, Strategic Plan Summary Chart.

<sup>6</sup> Agency’s PER, Strategic Plan Summary Chart.

<sup>7</sup> Agency PER, Organizational Charts.

<sup>8</sup> Agency PER, Deliverables Chart.

<sup>9</sup> Item numbers are the ones utilized in agency’s program evaluation report.

<sup>10</sup> 1990 Act No. 485, Preamble.

<sup>11</sup> S.C. Code Ann 1-7-910. Commission on Prosecution Coordination created; 1990 Act No. 485 (S. 1411)

<sup>12</sup> S.C. Code of Laws Section 1-7-940.

<sup>13</sup> 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;”

<sup>14</sup> S.C. Code Ann. 1-7-990. Promulgation of regulations; S.C. Code Ann 1-7-910. Commission on Prosecution Coordination created

<sup>15</sup> 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;”

<sup>16</sup> 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.

<sup>17</sup> 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.”)

<sup>18</sup> 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.

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<sup>19</sup> 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;”

20 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.

21 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.”

<sup>22</sup> 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

<sup>23</sup> 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

<sup>24</sup> S.C. Constitution, Article 5, Section 24. Law enforcement officials, prosecutors and administrative officers; Attorney General. There shall be elected in each county by the electors thereof a clerk of the circuit court, a sheriff, and a coroner; and in each judicial circuit a solicitor shall be elected by the electors thereof. All of these officers shall serve for terms of four years and until their successors are elected and qualify. The General Assembly shall provide by law for their duties and compensation. The General Assembly also may provide by law for the age and qualifications of sheriffs and coroners, and 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. 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. (1972 (57) 3176; 1973 (58) 161; 1973 (58) 863; 1975 (59) 46; 1985 Act No. 9; 1989 Act No. 10; 1995 Act No. 35.); See also, 1965 S.C. Op. Atty. Gen. No. 1791, 1965 WL 8659 (Functions of a sheriff are not immutable and exclusive, but are subject to legislative alteration and control); 1967 S.C. Op. Atty. Gen. No 2252, 1967 WL 8568 (Confirms powers and duties of the office of sheriff are within the legislative power and may be varied, abridged, or increased at the pleasure of the legislature.)

<sup>25</sup> S.C. Constitution Article 5, Section 13. Judicial circuits. The General Assembly shall divide the State into judicial circuits of compact and contiguous territory. For each circuit a judge or judges shall be elected by a joint public vote of the General Assembly; provided, that in any contested election, the vote of each member of the General Assembly present and voting shall be recorded. He shall hold office for a term of six years, and at the time of his election he shall be an elector of a county of, and during his continuance in office he shall reside in, the circuit of which he is judge. The General Assembly may by law provide for additional circuit judges, to be assigned by the Chief Justice. Such additional circuit judges shall be elected in the same manner and for the same term as provided in the preceding paragraph of this section for other circuit judges, except that residence in a particular county or circuit shall not be a qualification for office.

<sup>26</sup> S.C. Constitution, Article 5, Section 24. Law enforcement officials, prosecutors and administrative officers; Attorney General. There shall be elected in each county by the electors thereof a clerk of the circuit court, a sheriff, and a coroner; and in each judicial circuit a solicitor shall be elected by the electors thereof. All of these officers shall serve for terms of four years and until their successors are elected and qualify. The General Assembly shall provide by law for their duties and compensation. The General Assembly also may provide by law for the age and qualifications of sheriffs and coroners, and 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. 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. (1972 (57) 3176; 1973 (58) 161; 1973 (58) 863; 1975 (59) 46; 1985 Act No. 9; 1989 Act No. 10; 1995 Act No. 35.)

<sup>27</sup> S.C. Constitution, Article 5, Section 24. Law enforcement officials, prosecutors and administrative officers; Attorney General. There shall be elected in each county by the electors thereof a clerk of the circuit court, a sheriff,

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<sup>28</sup> S.C. Constitution, Article 5, Section 24. Law enforcement officials, prosecutors and administrative officers; Attorney General. There shall be elected in each county by the electors thereof a clerk of the circuit court, a sheriff, and a coroner; and in each judicial circuit a solicitor shall be elected by the electors thereof. All of these officers shall serve for terms of four years and until their successors are elected and qualify. The General Assembly shall provide by law for their duties and compensation. The General Assembly also may provide by law for the age and qualifications of sheriffs and coroners, and 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. 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. (1972 (57) 3176; 1973 (58) 161; 1973 (58) 863; 1975 (59) 46; 1985 Act No. 9; 1989 Act No. 10; 1995 Act No. 35.)

<sup>29</sup> S.C. Constitution, Article 5, Section 24. Law enforcement officials, prosecutors and administrative officers; Attorney General. There shall be elected in each county by the electors thereof a clerk of the circuit court, a sheriff, and a coroner; and in each judicial circuit a solicitor shall be elected by the electors thereof. All of these officers shall serve for terms of four years and until their successors are elected and qualify. The General Assembly shall provide by law for their duties and compensation. The General Assembly also may provide by law for the age and qualifications of sheriffs and coroners, and 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. 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. (1972 (57) 3176; 1973 (58) 161; 1973 (58) 863; 1975 (59) 46; 1985 Act No. 9; 1989 Act No. 10; 1995 Act No. 35.)

<sup>30</sup> S.C. Code of Laws Section 1-7-100.

<sup>31</sup> S.C. Code of Laws Section 1-7-320.

<sup>32</sup> S.C. Code of Laws Section 1-7-320.

<sup>33</sup> State v. Long (S.C. 2014) 406 S.C. 511, 753 S.E.2d 425.

<sup>34</sup> State v. Long (S.C. 2014) 406 S.C. 511, 753 S.E.2d 425.

<sup>35</sup> Ex parte McLeod (S.C. 1979) 272 S.C. 373, 252 S.E.2d 126.

<sup>36</sup> State v. Long (S.C. 2014) 406 S.C. 511, 753 S.E.2d 425.

<sup>37</sup> State v. Needs (S.C. 1998) 333 S.C. 134, 508 S.E.2d 857, rehearing denied.

<sup>38</sup> July 24, 2018 Subcommittee meeting at 30:44; 34:59; 41:28 in the archived video.

<sup>39</sup> July 24, 2018 Subcommittee meeting at 30:44 in the archived video.

<sup>40</sup> July 24, 2018 Subcommittee meeting at 30:44 in the archived video.

<sup>41</sup> July 24, 2018 Subcommittee meeting at 30:44 in the archived video.

<sup>42</sup> July 24, 2018 Subcommittee meeting at 30:44 in the archived video.

<sup>43</sup> July 24, 2018 Subcommittee meeting at 30:44; and 42:05 in the archived video.

<sup>44</sup> Letter from Oversight Subcommittee to Prosecution Coordination (August 1, 2018), Question 3 and 4, available at [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20Oversight%20Subcommittee%20to%20SCCPC%20\(August%201,%202018\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20Oversight%20Subcommittee%20to%20SCCPC%20(August%201,%202018).pdf) (accessed August 16, 2018)

<sup>45</sup> Letter from SCCPC to Subcommittee (August 15, 2018), Question 3 and 4, available at [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Subcommittee%20with%20attachments%20\(August%2015,%202018\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Subcommittee%20with%20attachments%20(August%2015,%202018).pdf) (accessed August 16, 2018)

<sup>46</sup> 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,"

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[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.

<sup>47</sup> 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.

<sup>48</sup> 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.

<sup>49</sup> 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 14.

<sup>50</sup> 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 14.