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Law Enforcement and Criminal Justice Subcommittee

Tuesday, August 14, 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 Subcommittee Chairman Edward R. Tallon, Sr., on Tuesday, August 14, 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 meeting.

Rep. Johnson's motion to approve the minutes from the July 24, 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 swears in the following agency personnel:
 - a. Mr. Boyd Young, Chief Capital Defender; and
 - b. Mr. Robert M. Dudek, Chief Appellate Defender.
- II. Subcommittee Chairman Tallon explains the purpose of the meeting today is for agency representatives to provide an overview of the following:
 - a. process for individuals involved in the following types of cases:
 - i. criminal cases (including murder and death penalty);
 - ii. sexually violent predator civil commitment cases;
 - iii. post-conviction relief cases; and
 - iv. juvenile criminal cases;
 - b. differences in how counties and courts screen for whether an individual qualifies as an indigent, and thus is entitled to legal representation from the state;
 - c. agency's Death Penalty Trial Division; and
 - d. agency's Division of Appellate Defense.
- III. Mr. Hugh Ryan, Director of the S.C. Commission on Indigent Defense, provides remarks on the topics outlined by Subcommittee Chairman Tallon. Members ask questions, which Director Ryan and other applicable agency personnel answer.
- IV. Subcommittee members make various motions during the meeting, which are listed below. A roll call vote is held for these motions, and, among the members present, the motions pass unanimously.

Rep. Johnson’s motion that the Subcommittee Study include a recommendation that the agency work with applicable entities, to determine the following: (a) could a system be setup that would run the necessary information from an individual’s application for indigent representation, but only show a judge whether the individual does or does not qualify as indigent, without providing the judge access to any other information of the individual; and (b) if it is possible to setup this type of system, (i) how much it would cost initially, and on an ongoing basis, and (ii) could the state retain the rights over the system so the state could license it to other states, thereby creating a revenue stream to cover any initial or ongoing costs.	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

Rep. Johnson’s motion that the Subcommittee Study include a finding that S.C. Code Section 17-3-45(a), which states “clerk of court or other appropriate official” is another example of lack of clarity regarding which entity is responsible for ensuring accurate collection and remittance of the fines and fees. This issue, relating to fines and fees which fund indigent defense services, further supports the Committee’s recommendation from its study of the Law Enforcement Training Council and Criminal Justice Academy that the General Assembly should clarify statutes regarding fines and fees (e.g. to indicate which entity is responsible for ensuring county and local governments properly collect and remit these and additional options for enforcement to ensure compliance).	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

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