

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2022-23**

SECTION 60 - E210 - PROSECUTION COORDINATION COMMISSION

- 60.4 DELETE** (PCC: Carry Forward) Authorizes the solicitor’s office to carry forward any unexpended funds to be used for Commission on Prosecution Coordination operating expenses. **WMC:** AMEND proviso to change “Fiscal Year 2020-21” to “the prior fiscal year.” Requested by the Prosecution Coordination Commission.
HOU: ADOPT proviso as amended.
SFC SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

~~60.4. (PCC: Carry Forward) Any unexpended balance on June thirtieth of Fiscal Year 2020-21 the prior fiscal year may be carried forward into the current fiscal year and expended for the operation of the Commission on Prosecution Coordination or the Offices of the Solicitor relating to operational expenses.~~

- 60.15 CONFORM TO FUNDING / AMEND NEW PROVISO** (PCC: Solicitor Technology Funding Distribution) **WMC:** ADD new proviso to require funds appropriated for Circuit Solicitor Intelligence Led Prosecution Programs to be distributed in equal amounts among the sixteen circuits. Requires funding for each circuit to be distributed for development and implementation of a CJIS compliant prosecution case management system with certain capabilities. Directs each Circuit Solicitor to submit a comprehensive report to the Prosecution Coordination Commission on the Prosecution Case Management System. Directs the commission to submit the reports to the Chairmen of Senate Finance and Ways and Means by December 31, 2022.
HOU: ADOPT new proviso.
SFC SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to change the reference of the amount appropriated and authorized for “Circuit Solicitor Intelligence Led Prosecution Programs” to “Solicitor Technology Equipment and Software.” Changes the reference of the “Prosecution Coordination Commission” to “Commission on Prosecution Coordination.”

60.15. (PCC: Solicitor Technology Funding Distribution) The amount appropriated in this act and authorized for ~~Circuit Solicitor Intelligence Led Prosecution Programs~~ Technology Equipment and Software shall be apportioned in equal amounts among the sixteen circuits. Funding allocated for each circuit must be distributed for the development and implementation of a ~~CJIS~~ Criminal Justice Information Services compliant prosecution case management system capable of integration with the South Carolina Commission on Prosecution Coordination, the South Carolina Judicial Branch, all State and Local Law Enforcement Departments, and other Offices of Circuit Solicitor. Each Circuit Solicitor shall submit, to the ~~Prosecution Coordination Commission on Prosecution Coordination,~~ a comprehensive report detailing the capabilities and all associated expenditures for the Prosecution Case Management System. The ~~Prosecution Coordination Commission on Prosecution Coordination~~ shall compile, summarize, and submit these reports to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 31st, 2022.

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

- 63.8 AMEND FURTHER** (DPS: In-Car Camera Funding) Authorizes the department to establish an In-Car Video Camera Fund to assist in purchasing and maintaining in-car cameras. Directs the Public Safety Coordinating Council to oversee the fund and establish an application and disbursement of funds process.

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2022-23**

WMC: AMEND proviso to change “Fiscal Year 2021-22” to “the current fiscal year.”

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to direct that the “In-Car Video Camera Fund” shall be maintained within the department.

63.8. (DPS: In-Car Camera Funding) For ~~Fiscal Year 2021-22~~ *the current fiscal year*, from funds appropriated to and/or authorized for the Department of Public Safety, there is ~~established~~ maintained within the department an “In-Car Video Camera Fund” for the purpose of assisting law enforcement agencies in purchasing and maintaining in-car video cameras and ongoing costs related to the maintenance and storage of data recorded by in-car video cameras.

The Public Safety Coordinating Council shall oversee the fund and establish a process for the application for and disbursement of monies to law enforcement agencies. The council shall disburse the funds in a fair and equitable manner, taking into consideration the DUI enforcement activity of the law enforcement agencies, with priority given to those law enforcement agencies who prioritize DUI enforcement activity.

63.9 **AMEND FURTHER** (DPS: School Safety Program) Directs the department to hire certified law enforcement officers to serve as school resource officers for districts that lack adequate resources to hire a school resource officer, determined by the most recent index of taxpaying ability in the district. Provides for the requirements of the department and the districts. Allows unexpended funds to be carried forward and expended for equipment and training not to exceed \$70,000 per school resource officer. Directs the Department of Education to transfer any fund balance and FTE’s in the program to DPS by August 15.

WMC: AMEND proviso to direct districts to collaborate with local law enforcement when applying for funding. Allows carry forward funds to be used toward salaries and deletes the limit of \$70,000 to be expended for equipment and training per officer. Requires school district superintendents to report the numbers of resource officers instead of local law enforcement agencies. Deletes language transferring funds and FTES from the Department of Education to DPS. Requested by the Department of Public Safety.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to delete “Quarterly” and insert “at the end of each quarter.” Deletes “regardless of the funding source” and adds “regardless of their fund sources supporting these officers.” Reinserts “The Department of Education shall transfer any fund balance” and “to the Department of Public Safety by August 15.”

63.9. (DPS: School Safety Program) Funds appropriated for the School Safety Program and School Resource Officers in this act shall be utilized by the department for the purpose of hiring certified law enforcement officers to serve as a school resource officer for school districts, including the South Carolina Public Charter School District and schools authorized by an institution of higher learning, that otherwise would lack the adequate resources to hire their own school resource officers. In making determinations of eligibility, the department shall use the most recent index of taxpaying ability as the district’s indicator of ability to pay with districts of the lowest index of taxpaying ability receiving priority consideration. Districts, in collaboration with a local law enforcement agency of its choosing, must apply for funding through the department. In making awards the department shall provide funding directly to the local law enforcement agency to pay for the cost of the law enforcement officer that shall serve as a full time school resource officer. Unexpended funds may be carried forward and expended for salaries, equipment, and training ~~in an amount not to exceed \$70,000 per school resource officer.~~ ~~Quarterly~~, local law enforcement agencies School district superintendents shall provide to the

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2022-23**

department at the end of each quarter the number of full and part-time school resource officers hired by school districts and by schools, ~~regardless of the funding source, that currently serve schools in their respective districts, regardless of the fund sources supporting those officers.~~

The Department of Education shall transfer any fund balance, ~~along with any FTE'S in the program,~~ to the Department of Public Safety by August 15. ~~This balance must include any unexpended funds in the program from prior fiscal years.~~

- 63.oya CONFORM TO FUNDING / ADD** (DPS: Governor's Law Enforcement Officer of the Year Award) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to establish an advisory committee to create a nomination and selection process for the Governor's Law Enforcement Officer of the Year Award for state, county, and municipal law enforcement officers with an award amount of \$10,000.

63.oya. (DPS: Governor's Law Enforcement Officer of the Year Award) The Department of Public Safety shall establish an advisory committee to create an award nomination and recipient selection process for the Governor's Law Enforcement Officer of the Year Award. The advisory committee annually shall select a state law enforcement officer of the year, a county law enforcement officer of the year, and a municipal law enforcement officer of the year. Each winner shall be recognized by the Office of the Governor and also shall receive an award of \$10,000 to be distributed by the department. These awards shall not be subject to South Carolina income taxes.

SECTION 64 - N200 - LAW ENFORCEMENT TRAINING COUNCIL

- 64.3 DELETE** (LETC: Center for Excellence in Policing and Public Safety) **WMC:** ADD new proviso to establish a Center for Excellence in Policing and Public Safety. Directs the council to partner with the University of South Carolina School of Law to create a professional development training program for law enforcement personnel. Provides for the required services and responsibilities of the center.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

~~*64.3. (LETC: Center for Excellence in Policing and Public Safety) There is established at the Law Enforcement Training Council a Center for Excellence in Policing and Public Safety. The Council, in partnership with the University of South Carolina School of Law, shall create a professional development training program for South Carolina law enforcement personnel. The Center will be a resource for programming, technical assistance, support, research, and education. The Center will also provide professional development for command staff and mid-level supervisors for the benefit of the citizens of South Carolina, leading to certifications and providing advancement opportunities and promoting recruitment and retention for the state's law enforcement community.*~~

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

- 65.30 AMEND** (CORR: Safety & Security) Authorizes the department to carry forward funds reimbursed to the agency from the CARES Act of 2020 and direct that these funds shall not be considered a part of any other authorized carry forward amount. Directs that these funds be deposited into a separate and distinct Department of Corrections Security and Maintenance Fund and authorize the department to spend these funds to meet agency maintenance and security needs that are directly related to safety and security. Requires the department develop a comprehensive

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2022-23**

security and maintenance plan prior to spending the funds and submit the plan to the Governor and JBRC by September 30, 2021 for its review and comment. Allows the department, subsequent to JBRC review, to initiate the permanent improvement projects and equipment purchases listed in the plan upon submission of documents to EBO. Directs the department to submit an annual report by September 30th to the Governor and JBRC on plan implementation and expenditures.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND proviso to authorize funds appropriated under the nonrecurring provision for security and maintenance for the department be deposited in the “Department of Corrections Security and Maintenance Reserve Fund.” Updates the plan presentation date from “September 30, 2021” to “September 30th of the current fiscal year”, along with a “favorable” review and comment from JBRC.

65.30. (CORR: Safety & Security) The Department of Corrections shall be authorized to carry forward into the current fiscal year the funds reimbursed to the agency pursuant to Section 3 of Act 154 of 2020. The amount shall not be included or part of any other authorized carry forward amount. Funds carried forward pursuant to this provision, in addition to funds appropriated under the nonrecurring provision for security and maintenance funds to the Department of Corrections, shall be deposited into a separate and distinct fund known as the “Department of Corrections Security and Maintenance Reserve Fund.” The department may expend these funds to meet the maintenance and security needs of the agency for critical repairs, deferred maintenance, renovations, security upgrades, and equipment which are directly related to the safety and security of the public, officers, employees, and inmates. Prior to the expenditure of these funds, the department shall develop a comprehensive security and maintenance plan which shall itemize the permanent improvement projects and equipment purchases needed to maintain the safety and security of the state’s prison system. This plan shall be presented by September 30, 2021, 30th of the current fiscal year to the Governor and the Joint Bond Review Committee for its favorable review and comment. Subsequent to the committee’s review, the department shall be authorized to initiate the permanent improvement projects and equipment purchases included in the plan upon submitting the necessary documentation to the Executive Budget Office without further review by the committee. Any deviations from the plan shall be subject to further review and comment by the committee. The department shall provide a report to the Governor and Joint Bond Review Committee on its implementation of the comprehensive security and maintenance plan and its expenditures from the fund by September 30 of each fiscal year.

65.cocr **ADD** (CORR: Correctional Officer Compensation Reinvestment) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the department to eliminate 200 vacant, full-time equivalent correctional officer positions and reallocate personal services to remaining vacant and filled positions. Allows the agency to prioritize positions that have been vacant for at least 500 days and requires that the allocation of positions be done by September 1. Directs that the agency shall not transfer any general fund appropriations from personal service accounts to operating accounts and requires EBO to finalize the authorized FTE positions. Directs the Human Resources Division of DOA to provide support to the agency in reallocation of the resources. Requires the department to provide a report on salary effect of the reallocation to the Senate Finance Committee and the House Ways and Means Committee by November of the current fiscal year.

65.cocr. (CORR: Correctional Officer Compensation Reinvestment) The Department of Corrections shall eliminate two hundred vacant, full-time equivalent state positions with a job class title of a correctional officer and reallocate the associated personal services, such as salary

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2022-23**

and fringe benefits, to the remaining vacant and filled correctional officer positions. The agency has discretion on which vacant positions to eliminate, but should prioritize positions that have been vacant for at least five hundred days as of March 1, 2022. The reallocation shall occur no later than September 1st of the current fiscal year. The agency shall not transfer any general fund appropriations derived from these two hundred positions from personal service accounts to operating accounts. The Executive Budget Office shall finalize the authorized FTE positions upon feedback from the agency, and the Human Resources Division of the Department of Administration shall provide guidance and assistance to the agency regarding the reallocation of the resources associated with the reduction of positions. The Department of Corrections shall provide a report to the Senate Finance Committee and the House Ways and Means Committee in November of the current fiscal year on the salary effect of this reallocation for active and vacant correctional officers.

SECTION 66 - N080 - DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

66.3 **DELETE** (DPPP: GED Learn and Earn Program) Establishes the GED Learn and Earn Program for the purpose of providing GED and GED Prep education to offenders. Authorizes the department to charge and be reimbursed for the cost of the program by the offenders enrolled in the program.

WMC: DELETE proviso. Requested by the Department of Probation, Parole and Pardon Services.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~**66.3.** (DPPP: GED Learn and Earn Program) From the funds appropriated in Part IA, the department may enter into agreements with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep education to offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and materials within six months of obtaining their GED.~~

SECTION 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE

67.6 **CONFORM TO FUNDING / AMEND** (DJJ: Juvenile Arbitration/Community Advocacy Program) Directs that Juvenile Arbitration Program funds be retained and expended to provide juvenile arbitration services through the 16 Judicial Circuit Solicitors' offices to fund administrative and personnel costs of the programs. Directs DJJ to contract with the Solicitors to administer the program and to disburse up to \$60,000 per Judicial Circuit based on services rendered. Directs that the \$250,000 for the Community Advocacy Program in the first Judicial Circuit be used for necessary administrative and personnel costs for this status offender diversion program. Authorizes unexpended funds to be retained and carried forward for the same purpose.

WMC: AMEND proviso to update the appropriated amount for the Community Advocacy Program from "\$250,000" to "\$350,000."

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: CONFORM TO FUNDING.

67.6. (DJJ: Juvenile Arbitration/Community Advocacy Program) The amount appropriated and authorized in this section for the Juvenile Arbitration Program shall be retained and expended by the Department of Juvenile Justice for the purpose of providing juvenile arbitration services through the sixteen Judicial Circuit Solicitors' offices in the state and used to fund necessary administrative and personnel costs for the programs.

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2022-23**

The Department of Juvenile Justice shall contract with Solicitors to administer the Juvenile Arbitration Program and disburse up to \$60,000 per Judicial Circuit based on services rendered. The amount payable to Solicitors may vary based on consistent adherence to established statewide program guidelines to assess program performance.

The ~~\$250,000~~ \$350,000 appropriated for the Community Advocacy Program in the first Judicial Circuit, will be used to fund necessary administrative and personnel costs for this status offender diversion program. The Department of Juvenile Justice shall monitor and provide support to this program.

- 67.15. AMEND FURTHER** (DJJ: Carryforward Funds) **WMC:** ADD new proviso to authorize the department to carry forward and expend any General Fund balances and any cash or fund balances from the sources provided for agency operating and capital needs.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to add carry forward and expenditure authority for funds provided in Fiscal Year 2019-20 for overtime payment. Adds SMI Youth Facility to listed operating and/or capital needs. Directs that the department shall submit a plan prior to the expenditure of any of these funds for the review of the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Corrections and Penology Committee, and House Judiciary Committee.

67.15. (DJJ: Carryforward Funds) Notwithstanding any provision of state law, for Fiscal Year 2022-23, the Department of Juvenile Justice is authorized to carry forward and expend for agency operating and/or capital needs any General Fund balances and any cash or fund balances from the following sources: Law Enforcement Funding; Traffic Education Program App; Juvenile Detention Services; Joint Children's Committee; Court Fines-Detention Services; Dedicated Court Fines; ~~and~~ funds provided to the department in Fiscal Year 2021-22 for security fencing for Maple, Cypress, and Poplar and the fire alarm upgrade for the Birchwood Campus; and funds provided to the department in Fiscal Year 2019-20 for payment of overtime. For purposes of this provision, agency operating and/or capital needs includes the following items: (1) Staffing / Personnel Funding Needs; (2) Youth Services Training and Community Programs; (3) Technology Server Management and Application Modernization; (4) Physical Plant Maintenance and Upgrades; ~~and~~ (5) Projects on Fiscal Year 2021-22 Comprehensive Permanent Improvement Plan; and (6) SMI Youth Facility. The department shall submit a plan regarding the use of these funds to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Corrections and Penology Committee, and the Chairman of the House Judiciary Committee. This plan shall be submitted for review before the expenditure of any of these funds.

SECTION 109 - R440 - DEPARTMENT OF REVENUE

- 109.13 DELETE** (DOR: Renewable Fuel Credit) Extends the date a taxpayer must place property or facility into service used for distributing or dispersing renewable fuel to January 1, 2022.

WMC: AMEND proviso to update fiscal year reference to "2022-23."

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

109.13. (DOR: Renewable Fuel Credit) ~~The date the taxpayer must place property or facility into service that is used for distribution or dispensing renewable fuel shall be extended to January 1, 2022-2023.~~

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2022-23**

SECTION 117 - X900 - GENERAL PROVISIONS

117.82 CONFORM TO FUNDING/AMEND (GP: Joint Children’s Committee) Directs DOR to reduce the rate of interest paid on eligible refunds by one percentage point and to transfer \$300,000 of the resulting revenue to the Senate for the Joint Citizen’s and Legislative Committee on Children.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete “\$300,000.”

117.82. (GP: Joint Children’s Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, ~~\$300,000~~ shall be transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other operating expenses as directed in Section 63-1-50 of the 1976 Code. Funds transferred to the University of South Carolina for the Joint Citizens and Legislative Committee on Children shall be maintained in a separate and distinct account. A detailed report of all expenditures shall be made to the Executive Budget Office within thirty days of the close each fiscal quarter, and the Executive Budget Office shall distribute this information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. The remaining revenue resulting from this reduction shall be transferred to the Department of Juvenile Justice to be used for mentoring or alternatives to incarceration programs. Unexpended funds authorized by this provision may be retained and carried forward by the Senate or the Department of Juvenile Justice, respectively, and used for the same purposes. The rate of reduction authorized in this provision shall be in addition to the reduction authorized in Proviso 41.2.

117.114 AMEND (GP: Retail Facilities Revitalization Act Repeal Suspension) Suspends the repeal of Chapter 34 of Title 6 [RETAIL FACILITIES REVITALIZATION ACT] as specified in Act 285 of 2006 for sites that provided DOR written notification of election of mode of credit before 7/1/16 and for which a building permit was issued prior to 7/1/16.

WMC: AMEND proviso to update fiscal year reference to “2022-23.”

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.114. (GP: Retail Facilities Revitalization Act Repeal Suspension) The repeal of Chapter 34, Title 6 of the 1976 Code as specified in Act 285 of 2006 as to sites for which written notification of election of mode of credit has been provided to the Department of Revenue prior to July 1, 2016 and for which a building permit has been issued prior to July 1, 2016, is suspended for Fiscal Year ~~2021-22~~ 2022-23.