

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO CHANGES FOR CONSIDERATION FOR FY 2023-24**

SECTION 60 – E210 – PROSECUTION COORDINATION COMMISSION

60.5 **AMEND** (PCC: Solicitor’s Office - County Funding Level) States the intent of the General Assembly that the funds appropriated for solicitors’ offices are in addition to any amount the county currently provides for their services and may not be used to supplant that funding. Requires Solicitors to notify the Chairmen of the Senate Finance and House Ways and Means Committees of any reduction in the amount of local support a county provides to solicitors’ offices that is below the amount that was provided in the prior fiscal year.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND proviso to require the State Treasurer to withhold the county’s State Aid to Subdivision funding if the county reduces their support to the solicitors’ offices below the prior fiscal year’s level.

60.5. (PCC: Solicitor’s Office - County Funding Level) It is the intent of the General Assembly that the amounts appropriated for solicitors’ offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services without any additional charges. If the county reduces the amount of support provided to solicitors’ offices below the level provided in the prior fiscal year, the State Treasurer shall withhold the county’s State Aid to Subdivision funding by a corresponding amount. ~~the~~ The Solicitor shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the amount of such reduced support.

60.11 **CONFORM TO FUNDING / AMEND** (PCC: Caseload Equalization Funding) Directs that the first \$3,450,000 of caseload equalization funds be distributed \$75,000 per county and the remaining \$4,376,872 be distributed based on the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

WMC: AMEND proviso to update funding amounts. Requested by the Prosecution Coordination Commission.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

60.11. (PCC: Caseload Equalization Funding) The amount appropriated in this act and authorized for Caseload Equalization will have the first ~~\$3,450,000~~ \$10,350,000 distributed at an amount of ~~\$75,000~~ \$225,000 per county. The remaining ~~\$4,376,872~~ \$12,006,872 shall be distributed based upon the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

60.13 **DELETE** (PCC: Intake and Analysis Funding) Directs that Intake and Analysis Programs funds be distributed in the amount of \$135,000 to each circuit that establishes, maintains, and annually reports certain information about the program. Directs that unexpended funds be remitted to the General Fund.

WMC: DELETE proviso. Requested by the Prosecution Coordination Commission.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

60.13. (PCC: Intake and Analysis Funding) ~~Funds appropriated and/or authorized for Intake and Analysis Programs shall be distributed at an amount of \$135,000 to each circuit that establishes, maintains, and annually reports information and data regarding its Intake and~~

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~~Analysis Program. Funds not expended by the end of the current fiscal year shall be remitted to the General Fund.~~

60.15 **AMEND** (PCC: Solicitor Technology Funding Distribution) Requires funds appropriated for Solicitor Technology Equipment and Software 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 Commission on Prosecution Coordination 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.

WMC: AMEND proviso to update calendar year reference. Requested by Prosecution Coordination Commission.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

60.15. (PCC: Solicitor Technology Funding Distribution) The amount appropriated in this act and authorized for Solicitor 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 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 Commission on Prosecution Coordination a comprehensive report detailing the capabilities and all associated expenditures for the Prosecution Case Management System. The 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 31, ~~2022~~ 2023.

SECTION 61 – E230 – COMMISSION ON INDIGENT DEFENSE

61.1 **AMEND FURTHER** (INDEF: Defense of Indigents Formula) Provides for the distribution of Defense of Indigents funds. Directs that counties must contribute no less than they contributed in the previous year.

WMC: AMEND proviso to delete the reference to the application fee provided in Section 17-3-30(B), relating to indigent defense.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER by directing the State Treasurer to withhold State Aid to Subdivision funding to a county if the county reduces the amount of support to a public defender office below the level provided in the prior fiscal year.

61.1. (INDEF: Defense of Indigents Formula) The amount appropriated in this act for “Defense of Indigents” shall have the first \$3,600,000 distributed as follows: \$1,200,000 shall be distributed in the amount of \$75,000 per circuit for 1.00 Public Defender and \$2,400,000 shall be distributed in the amount of \$150,000 per circuit for 2.00 investigators; the remaining amount appropriated shall be apportioned among counties in accord with Section 17-3-330 of the 1976 Code, but on a per capita basis and based upon the most current official decennial census of the United States; provided that no county shall receive funding in an amount less than the amount apportioned to it as of July 1, 2020. The level of contribution of each county as of July 1, 2001,

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must be maintained. No county shall be permitted to contribute less money than the amount the county contributed in the prior fiscal year. If a county reduces the amount of support provided to a public defender office below the level provided in the prior fiscal year, the State Treasurer shall withhold the county's State Aid to Subdivision funding by a corresponding amount. Within the amount of money established for indigent defense services, the State shall authorize the Commission on Indigent Defense to receive up to or spend no more than \$3,000,000 for the Death Penalty Trial Fund annually for use of the defense in capital cases pursuant to Section 16-3-26 of the 1976 Code, for juveniles facing the possibility of a sentence of life without parole, and for the expenses of the operation of the Commission on Indigent Defense to include salaries and operations expenses of the Death Penalty Trial Division. The State also shall authorize the Commission on Indigent Defense to receive up to or spend no more than \$2,500,000 annually to pay fees and expenses of private counsel appointed in noncapital cases pursuant to Section 17-3-50 (Conflict Fund). Of the funds generated from the fees imposed under Sections 14-1-206(C)(4), 14-1-207(C)(6) and 14-1-208(C)(6) ~~and the application fee provided in Section 17-3-30(B)~~, on a monthly basis, fifty percent must be deposited into the Death Penalty Trial Fund, fifteen percent must be deposited into the Conflict Fund, and thirty-five percent each month must be apportioned among the counties' public defender offices pursuant to Section 17-3-330. At the end of each fiscal year any leftover funds shall carryover to the next fiscal year for the same purposes. All applications for the payment of fees and expenses in capital cases shall be applied for from the Death Penalty Trial Fund which shall be administered by the Commission on Indigent Defense. All applications for the payment of fees and expenses of private counsel or expenses of public defenders pursuant to Section 17-3-50 shall be applied for from the Conflict Fund administered by the Commission on Indigent Defense. Reimbursement in excess of the hourly rate and limit set forth in Section 17-3-50 is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

- 61.7 AMEND** (INDEF: Defense of Indigents Civil Action Application Fee) Directs that person requesting appointment of counsel must submit an affidavit of their assets before counsel may be appointed; authorizes court to order person to pay the assets or a portion of them to agency. Authorizes a \$40 application fee and allows for waiver if person is unable to pay; revenue to be remitted to the agency and used for indigent defense services only. In juvenile cases, the parents

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or legal guardians are responsible for the fee. Directs that appointment of counsel creates a claim against the assets for costs of representation and directs that such claims be filed with the Clerk of Court and are subject to reduction by order of the court.

WMC: AMEND proviso to direct that the application fee must be remitted to the State Treasurer's Office instead of to the Commission on Indigent Defense separate from the application fee collected pursuant to Section 17-3-30, relating to the defense of indigents.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

61.7. (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person requesting appointment of counsel in any termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that the person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. This affidavit must be completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ private counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Commission on Indigent Defense.

(B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official for a waiver or reduction in the application fee. If it is determined that the person is unable to pay the application fee, the fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived or reduced to the trial judge and the trial judge shall order the remainder of the fee paid by a time payment method or such method as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this section and remit the proceeds to the ~~Commission on Indigent Defense~~ State Treasurer's Office on a monthly basis separate from the application fee collected pursuant to Section 17-3-30(B). The monies must be deposited in an interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all persons applying for representation and the disposition of the application and shall provide this information to the Commission on Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

(C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the parents or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said juvenile.

(D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where existing statutes do not provide sufficient time for an individual to complete the application process.

(E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel.

(F) Such claim shall be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all of such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days'

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notice that judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by this provision.

- 61.12 DELETE** (INDEF: Court Case Contract Attorneys) Directs distribution of funds for contract attorneys for each circuit based on the percentage of the age of pending active cases in each circuit as compared to the statewide age of pending cases. Directs the commission to report to the Senate Finance and the House Ways and Means Committees on the amount of funds received by each circuit and on the effectiveness of the funds to reduce pending cases.
WMC: DELETE proviso. Requested by Commission on Indigent Defense.
HOU: ADOPT deletion.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~**61.12.** (INDEF: Court Case Contract Attorneys) Of the funds appropriated to the Commission on Indigent Defense for court case backlogs, the commission shall distribute fifty percent to each circuit based upon the proportional statewide share of the number of pending cases for each circuit aged 545 days or more, thirty percent to each circuit based upon the proportional statewide share of the number of pending cases for each circuit aged 366 days and less than 545 days, and twenty percent to each circuit based upon the proportional statewide share of the number of pending cases for each circuit aged 365 days or less as reported by the Judicial Department for the fiscal year ending June 30, 2021. These funds shall be used by each circuit for the purpose of hiring contract attorneys to address pending active cases.~~

~~By June 30, the commission, in coordination with the Judicial Department and the solicitors' offices, shall provide a report to the Senate Finance Committee and the House Ways and Means Committee on the amount of funds received by each circuit and on the effectiveness of how these funds have reduced pending cases. The commission shall track any other information deemed necessary to evaluate the effectiveness of this program.~~

- 61.14 CONFORM TO FUNDING / AMEND NEW PROVISO** (INDEF: Assistant Public Defender Personnel and Retention Funding) **WMC:** ADD new proviso to direct the distribution of funding received for personnel and retention of assistant public defenders.
HOU: ADOPT new proviso.
SFC SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to delete the appropriated amounts for funding. Directs 50% of the appropriated funding to be distributed to circuits on a pro-rata basis for hiring public defenders.

~~**61.14.** (INDEF: Assistant Public Defender Personnel and Retention Funding) The \$11,200,733 Fifty percent of the amount appropriated for the Assistant Public Defender Personnel and Retention funding shall be distributed as follows: \$5,746,944 shall be distributed in the amount of \$359,184 per circuit for 3.00 Public Defenders, to circuits on a pro-rata basis for the hiring of additional public defenders, and the remaining amount of \$5,453,789 shall be apportioned distributed on a per capita basis and based upon the most current official decennial census of the United States.~~

SECTION 63 – K050 – DEPARTMENT OF PUBLIC SAFETY

- 63.3 DELETE** (DPS: Motor Carrier Advisory Committee) Directs the department and the DMV to establish a Motor Carrier Advisory Committee to receive input from the trucking industry regarding regulation. Directs that members of the Advisory Committee serve without compensation.

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WMC: DELETE proviso. Requested by the Department of Public Safety.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

63.3. (DPS: Motor Carrier Advisory Committee) ~~From the funds appropriated and/or authorized to the Department of Public Safety and the Department of Motor Vehicles, the departments are directed to jointly establish a Motor Carrier Advisory Committee to solicit input from the Trucking Industry and other interested parties in developing policies and procedures for the regulation of this industry. The members of the advisory committee shall serve without compensation.~~

SECTION 64 - N200 - LAW ENFORCEMENT TRAINING COUNCIL

64.3 **DELETE** (LETC: Center for Excellence in Policing and Public Safety) Establishes a Center for Excellence in Policing and Public Safety at the Law Enforcement Training Council in partnership with the University of South Carolina School of Law. Provides guidelines for the operation of the Center.

WMC: AMEND proviso to allow funds received by the Council to be transferred to the Center for its operation.

HOU: ADOPT proviso as amended.

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. In the current fiscal year, funds received by the Council for the Center shall be transferred to the Center to be used for these purposes.~~

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

65.19 **AMEND** (CORR: Quota Elimination) Provides the department with guidelines and directives for accepting newly sentenced inmates from each local jail and detention center.

WMC: AMEND proviso to change the number of acceptance days of inmates at Lieber and include times and days of accepting inmates at the Camille Graham Correctional Institution. Requires the county to provide the sentencing order at least one day prior to the transfer instead of at the time of transfer and copies of medical history. States that inmates will not be admitted to the department until medical screenings are completed.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

65.19. (CORR: Quota Elimination) Pursuant to Section 24-3-60 of the 1976 Code, upon notification by the county, the Department of Corrections shall accept newly sentenced inmates from each local jail and detention center.

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For sentenced inmates who the county is willing to transport, the department may limit the acceptance at the Kirkland Correctional Institution to the hours of 8:00 a.m. to 1:00 p.m., Monday through Friday, excluding holidays, ~~and~~ at the Perry and Lieber Correctional Institutions to the hours of 8:00 a.m. to 10:30 a.m., Monday through ~~Friday~~ Thursday, excluding holidays, ~~and at the Camille Graham Correctional Institution to the hours of 8:00 a.m. to 1:00 p.m. on Thursdays and Fridays, excluding holidays.~~

By mutual agreement between the Department of Corrections and a local jail or detention center, the department may establish an alternate admissions schedule for receiving inmates at the Reception and Evaluation Center.

~~At the time of~~ least one day prior to the date for transfer of the inmate to the department, the county shall provide the sentencing order, and ~~if available~~ copies of medical history and screening records, booking reports, and other documents required to assist the department in its intake processing. Counties that have not completed medical screenings at the time of transfer shall not be ~~required to do so~~ allowed to have an inmate admitted to the department until after the screenings are completed.

In the event there are inadequate beds within the Reception and Evaluation Center, the Department of Corrections may create a “jail” within the Kirkland Correctional Institution using one or more of the available 192-bed housing units to accept newly sentenced state inmates who are awaiting R & E processing. The department may operate such “jail,” to the extent feasible, in accordance with standards applicable to the local jails.

The department shall use the funds appropriated in this act for “Quota Elimination” to accomplish this initiative and to open a 96-bed unit at the MacDougall Correctional Institution and the 192-bed housing units at Kirkland Correctional Institution. The funds may not be transferred to any other program or used for any other purpose.

65.31 DELETE (CORR: Correctional Officer Compensation Reinvestment) Directs 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.

WMC: DELETE proviso.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~**65.31.** (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 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~~

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~~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 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE

67.15 AMEND FURTHER (DJJ: Carryforward Funds) Authorizes 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. 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.

WMC: AMEND proviso to change the proviso title from “carryforward” to “other”. Updates the fiscal year and project name references. Deletes references to projects that have been completed. Requested by the Department of Juvenile Justice.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to a make technical changes.

67.15. (DJJ: ~~Carryforward~~ *Other* Funds) Notwithstanding any provision of state law, for Fiscal Year ~~2022-23~~ *2023-24*, 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; *and* Dedicated Court Fines; ~~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~~ *The recruitment and retention of qualified staff*; (2) Youth Services Training and Community Programs; (3) ~~Technology Server Management and Application Modernization~~; (4) Physical Plant Maintenance and Upgrades; *and* (5) ~~(54) Projects on Fiscal Year 2021-22~~ *both the Agency’s Master Plan and* 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 117 - X900 - GENERAL PROVISIONS

117.113 AMEND (GP: Retail Facilities Revitalization Act Repeal Suspension) Suspends the repeal of Chapter 34 of Title 6, relating to 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.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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117.113. (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 ~~2022-23~~ 2023-24.

117.170 AMEND NEW PROVISO (GP: Employee Retention and Recruitment) **WMC:** ADD new proviso to appropriate funds to the Prosecution Coordination Commission and the Commission on Indigent Defense for recruitment and retention. Directs that before funds are disbursed, all Prosecution and Indigent Defense Circuits shall provide a report, by year, of current backlogged cases, along with quarterly updates. Directs the commissions to provide progress reports to the Chief Administrative Judge of each respective circuit handling the General Sessions docket, the Chairmen of the Senate Finance Committee and House Ways and Means Committee, and the Governor's Office, by July 15, 2023, and then quarterly thereafter.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to change name from Prosecution Coordination Commission to the Commission on Prosecution Coordination. Deletes references to backlogged cases and instead directs the Circuit Solicitor and Circuit Public Defender for each circuit to provide a report of warrants pending. Directs the report also include the number of warrants disposed of in the previous fiscal year and the aging category by number of days for pending warrants. Directs that the reports be submitted semiannually instead of quarterly.

117.170. (GP: Employee Retention and Recruitment) For Fiscal Year 2023-24, funds will be appropriated to the ~~Prosecution Coordination Commission on Prosecution Coordination and to the Commission on Indigent Defense for "Assistant Solicitor Personnel and Retention" and "Assistant Public Defender Personnel and Retention."~~

Prior to funds being disbursed, ~~all Prosecution to the judicial circuits, the Circuit Solicitor and Indigent Defense circuits~~ Circuit Public Defender for each judicial circuit shall provide to the ~~Prosecution Coordination Commission on Prosecution Coordination Director and the Commission on Indigent Defense Director, respectively, by year,~~ a report ~~listing of current backlogged cases~~ warrants pending. ~~Starting with the year of the oldest case, each circuit shall also report how many cases that were closed within that year, and each after that. The report shall provide the total number of warrants pending in Circuit Court on July 1st of the preceding and current fiscal year, and the total number of warrants disposed of in the previous fiscal year. In addition, the report shall provide the aging categories for pending warrants as follows: (1) those pending 365 days or less; (2) those pending 366 days to 544 days; and (3) the number of warrants pending more than 545 days. Each circuit shall also submit on a ~~quarterly~~ semiannual basis an updated report on the current number of ~~backlogged cases~~ warrants pending.~~

By July 15, 2023, the ~~Prosecution Coordination Commission on Prosecution Coordination and the Commission on Indigent Defense~~ shall report to the Chief Administrative Judge of each respective circuit handling the General Sessions docket, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor's Office, ~~by July 15, 2023, detailing~~ the manner in which the funds will be distributed among the circuits, steps taken to retain current employees, the number of new FTEs that will be hired, and information obtained from circuits on how these measures will go towards reducing both the ~~case backlog~~ number and aging warrants pending.

After the initial report is submitted, the ~~Prosecution Coordination Commission on Prosecution Coordination and the Commission on Indigent Defense~~ shall provide ~~quarterly~~ semiannual progress updates.