South Carolina Judicial Branch Regarding FY 23-24

Constitutional Subcommittee House Ways and Means

Key Officials Attending Meeting:

Representative Chris Murphy, Chairman

Representative Micah Caskey

Representative Brandon Newton

Ryan Tooley, Budget Analyst

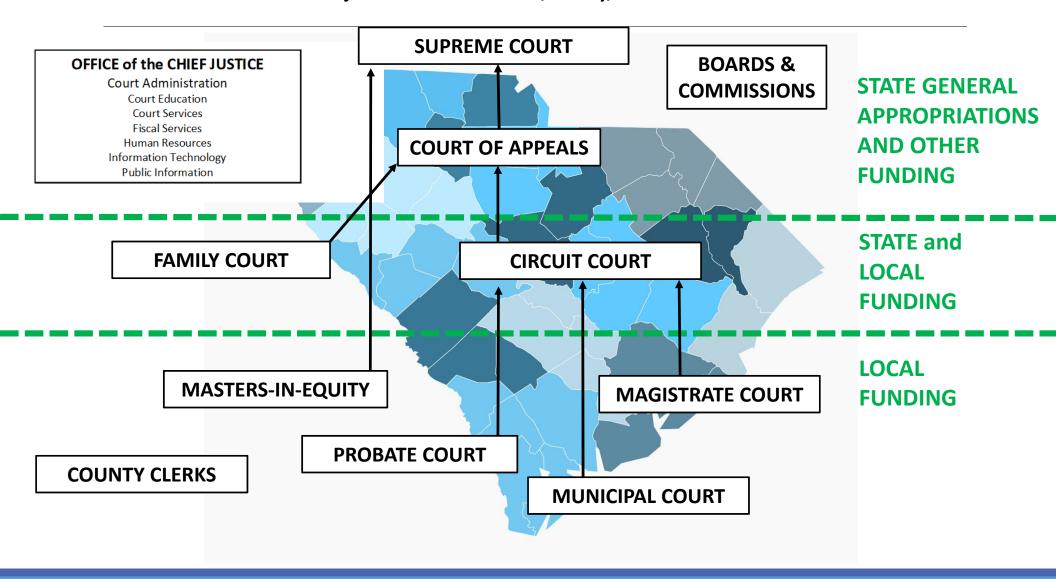
Donald W. Beatty, Chief Justice, South Carolina Supreme Court (734-1090) dbeatty@sccourts.org

Tonnya K. Kohn, State Court Administrator, South Carolina Judicial Branch (734-1800) tkohn@sccourts.org

Paul J. Magargle, Jr, Director, Office of Fiscal Services (734-0642) pmagargle@sccourts.org



The mission of the South Carolina Judicial Branch is to provide a fair and efficient forum for the just resolution of civil, family, and criminal matters.





Mission

The mission of the South Carolina Judicial Branch (SCJB) is to provide a fair and efficient forum for the just resolution of civil, family, and criminal matters.

Overview

The Judicial Branch is one of three branches of government responsible for providing a core government function to the citizens of South Carolina. Pursuant to Article V of the South Carolina Constitution, the Judicial Branch oversees the unified court system of South Carolina which is comprised of the Supreme Court, Court of Appeals, Circuit Courts, Family Courts, Master-in-Equity Courts, Probate Courts, Magistrate Courts and Municipal Courts. The Judicial Branch is responsible for administrative functions of the Supreme Court, Court of Appeals, Circuit Court, and Family Court.

Budget Priorities

Priority 1: Court Administrative Support Positions

Recurring – \$4,000,000

Appropriate general funds for 38 Judicial Branch employees' salaries and employer contributions.

• Remaining positions currently funded through court fines and fees.

Priority 2: Court Administration Rent Expense

Recurring - \$1,000,000

Appropriate general funds for annual rent expense for Court Administration staff.

- Due to recently provided FTEs, the Calhoun Building is no longer equipped to provide sufficient office space for staff.
- The Calhoun Building currently houses the South Carolina Court of Appeals, Office of Disciplinary Counsel, Office of Commission Counsel, and State Court Administration.
- The Branch acquired space near the Supreme Court to address this issue.

Priority 3: Circuit and Family Court Judges and Staff

Recurring – \$4,100,000

Appropriate general funds for 25 Judicial Branch employees' salaries/employer contributions and operating costs.

• Funding for positions created by House Bill 3696, which was passed in the previous year but not funded.

Priority 4: Court of Appeals Judges and Staff

Recurring - \$2,200,000

Appropriate general funds for 12 Judicial Branch employees' salaries/employer contributions and operating costs

 The additional judges and staff will assist in reducing backlog of cases within the Court of Appeals.

Priority 5: Foreign Language and American Sign Language Court InterpretersRecurring - \$175,000
Appropriate general funds for Court Interpreter Program.

- SC Code of Laws Section 17-1-50(B)(1) and SC Code of Laws Section 15-27-15
- Forecasts show a growing need for more foreign language and hearing-impaired interpreters to fulfill the requirement of providing language and/or deaf interpreters for criminal proceedings.
- Enables the Judicial Branch to be more competitive in attracting and retaining interpreters.
- The last rate increase was in 2006 for foreign language interpretation services, and 2004 for sign language interpretation services.

Priority 6: Legal Fees

Non- Recurring - \$5,000,000

Appropriate general funds for legal representation for litigation costs

- Dissatisfied parties continue to seek legal redress against the Judicial Branch for its processes, procedures and rules established by the Supreme Court and Branch officials.
- As a coequal Branch of government, it is vital the Judicial Branch be able to engage adequate legal representation.

Priority 7: Court Art Restoration and Conservation

Non- Recurring - \$500,000

Appropriate general funds for Court Art Restoration and Conservation project

- Appellate Courts have fine and decorative works of art from the nineteenth through the twenty-first centuries that preserve the courts' history.
- Recent art appraisal noted the collections are in need of restoration and conservation measures to protect the life of the article.
- Request non-recurring funds to restore damaged paintings and frames; repair skylight in Supreme Court gallery; and commission portraits for justices and judges that are missing from the collections.

Tab 4 – Judicial Branch Budget Request Summary Priority Order

			FY 23-2	4 Budget Priorities	Summary							
				Judicial Branch								
Budget Prior	Priority Type (recurring / non- recurring / other funds adjustment / federal funds			Funding					FTEs			
Priority No.	adjustment)	Priority Title	Priority Description	Recurring	Non - Recurring	Other	Federal	Total	State	Other	Federal	Total
1	B1 - Recurring	Court Administrative Support Positions	Request general fund appropriations for the remaining 38 FTE administrative support positions.	4,000,000	-	-	-	4,000,000	38.00	(38.00)	-	-
2	B1 - Recurring	Court Administration Rent Expense	Request appropriation for additional office space for Court Administration	1,000,000	-	-	-	1,000,000	-	-	-	-
3	B1 - Recurring	Circuit and Family Court Judges and Staff	Request to add funding and FTEs for 4 new Circuit Court and 3 new Family Court Judges and staff per Bill 3696	4,100,000				4,100,000	25.00	-	-	25.00
4	B1 - Recurring	Court of Appeals Judges and Staff	Request to add funding and FTEs for 3 new Court of Appeals Judges and staff	2,200,000				2,200,000	12.00	1	1	12.00
5	B1 - Recurring	Foreign Language and Sign Language Court Interpreters	Request funds to support rate increase for foreign language and sign language court interpreters. Last increase was in 2006 for foreign language and in 2004 for sign language interpreters.	175,000	-	-	-	175,000	1	1	1	-
6	B2 - Non- Recurring	Legal Fees	The Judicial Branch currently does not have a budget for litigation. Request funds to provide for increasing cost for litigation brought against the Branch.	-	5,000,000	-	-	5,000,000	-	-	-	-
7	B2 - Non- Recurring	Court Art Restoration and Conservation	Request funds to restore damaged paintings and frames; repair skylight in Supreme Court gallery; and commission portraits for justices and judges that are missing from the collections.	-	500,000	-	-	500,000	-	-	-	-
		TOTALS		11,475,000	5,500,000	-	-	16,975,000	75	(38)	-	37



AGENCY NAME:	So	uth Carolina Judicial Brai	neh	
AGENCY CODE:	B040	SECTION:	57	

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	1 Revised				
	Provide the Agency Priority Ranking from the Executive Summary.				
TITLE	Court Administrative Support Positions				
	Provide a brief, descriptive title for this request.				
AMOUNT	General: \$4,000,000 Federal: \$0.00 Other: \$0.00 Total: \$4,000,000				
	What is the net change in requested appropriations for FY 2019-20? This amount should correspond to the total for all funding sources on the Executive Summary.				
New Positions					
	Please provide the total number of new positions needed for this request.				
	Mark "X" for all that apply:				
	Change in cost of providing current services to existing program audience				
	Change in case load/enrollment under existing program guidelines				
	Non-mandated change in eligibility/enrollment for existing program				
FACTORS	Non-mandated program change in service levels or areas				
ASSOCIATED WITH	Proposed establishment of a new program or initiative				
THE REQUEST	X Loss of federal or other external financial support for existing program				
	Exhaustion of fund balances previously used to support program				
	IT Technology/Security related				
	Consulted DTO during development				
	Related to a Non-Recurring request – If so, Priority #				
	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:				
STATEWIDE	Education, Training, and Human Development				
ENTERPRISE	Healthy and Safe Families				
STRATEGIC	Maintaining Safety, Integrity, and Security				
OBJECTIVES	Public Infrastructure and Economic Development				
0 2020 24 7 210	X Government and Citizens				

AGENCY NAME:	South Carolina Judicial Branch
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	T N A
	NA
ACCOUNTABILITY OF FUNDS	
	What specific strategy, as outlined in the FY 2018-19 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?
RECIPIENTS OF FUNDS	South Carolina Judicial Branch (SCJB) Employees
	What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?
	The Judicial Branch is grateful for the financial support provided for the 130 FTEs awarded in previous two budgets for court and administrative support positions, and the acknowledgment that reliance on an erratic funding source to provide core services threatens SCJB's ability to meet its mission of providing a fair, independent, and accessible forum for the just and timely resolution of legal disputes.
JUSTIFICATION OF	The Judicial Branch would like to request recurring appropriations for the remaining 38 court administrative support positions funded by other sources.
REQUEST	Providing funding for these state appropriations will permit the Judicial Branch to use fines and fees to begin projects that support local courts which have languished due to lack of funding.

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

AGENCY NAME:	Sou	ıth Carolina Judicial Braı	nch	
AGENCY CODE:	B040	SECTION:	57	

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	2 Revised					
TIGENOT I RIGHT	Provide the Agency Priority Ranking from the Executive Summary.					
TITLE	Court Administration Rent Expense					
	Provide a brief, descriptive title for this request.					
AMOUNT	General: \$1,000,000 Federal: \$0.00 Other: \$0.00 Total: \$1,000,000					
	What is the net change in requested appropriations for FY 2023-2024? This amount should correspond to the total for all funding sources on the Executive Summary.					
New Positions						
	Please provide the total number of new positions needed for this request.					
FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply: Change in cost of providing current services to existing program audience Change in case load/enrollment under existing program guidelines Non-mandated change in eligibility/enrollment for existing program Non-mandated program change in service levels or areas Proposed establishment of a new program or initiative Loss of federal or other external financial support for existing program Exhaustion of fund balances previously used to support program IT Technology/Security related Consulted DTO during development Related to a Non-Recurring request — If so, Priority #					
STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective: Education, Training, and Human Development Healthy and Safe Families Maintaining Safety, Integrity, and Security Public Infrastructure and Economic Development Government and Citizens					
ACCOUNTABILITY OF FUNDS	NA					

AGENCY NAME:	Sor	uth Carolina Judicial Brar	ıch	
AGENCY CODE:	B040	SECTION:	57	

Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

RECIPIENTS OF FUNDS

Vendors

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

The South Carolina Judicial Branch is grateful for the funding support provided in previous fiscal years for 28 additional FTEs in Court Administration and the Court of Appeals. In addition to these FTEs the Judicial Branch foresees a need for 12 additional FTE's for Court of Appeal Judges and supporting staff as demonstrated in our budget request for these FTEs.

JUSTIFICATION OF REQUEST

As the Judicial Branch projects continued growth to meet the needs of the Citizens of South Carolina, it has become evident that the Calhoun Building, which currently houses the South Carolina Court of Appeals; Office of Disciplinary Counsel; Office of Commission Counsel; and State Court Administration, is no longer equipped to provide sufficient office space for our staff. In order to address these space concerns, the Judicial Branch has determined it is necessary to find new office space for State Court Administration, which includes Court Services; Office of Public Information; Office of Information Technology; Office of Court Education; Office of Human Resources and Office of Fiscal Services.

The Judicial Branch is requesting additional appropriation to fund the rent expenses for this additional office space.

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

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FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	3 Revised				
	Provide the Agency Priority Ranking from the Executive Summary.				
TITLE	Circuit and Family Court Judges and Staff				
	Provide a brief, descriptive title for this request.				
AMOUNT	General: \$4,100,000 Federal: \$0.00 Other: \$0.00 Total: \$4,100,000				
	What is the net change in requested appropriations for FY 2019-20? This amount should correspond to the total for all funding sources on the Executive Summary.				
New Positions	25 FTEs				
	Please provide the total number of new positions needed for this request.				
FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply: Change in cost of providing current services to existing program audience Change in case load/enrollment under existing program guidelines Non-mandated change in eligibility/enrollment for existing program Non-mandated program change in service levels or areas Proposed establishment of a new program or initiative Loss of federal or other external financial support for existing program Exhaustion of fund balances previously used to support program IT Technology/Security related Consulted DTO during development Related to a Non-Recurring request – If so, Priority #				
	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:				
STATEWIDE	Education, Training, and Human Development				
ENTERPRISE	Healthy and Safe Families				
STRATEGIC	Maintaining Safety, Integrity, and Security				
OBJECTIVES	Public Infrastructure and Economic Development				
	X Government and Citizens				

B040 at specific strategy, a formance Measurement	template of agency's accoun	57 18-19 Strategic Planning and
at specific strategy, a formance Measurement west support? How wou	template of agency's accoun	
formance Measurement west support? How wou	template of agency's accoun	
	1	strategy? How would the use of
th Carolina Judicial Brar	nch (SCJB) Employees	
vidual beneficiaries, etc.)? How would these funds	be allocated – using an existing
1-2022 House Bill 369 14 th , and 15 th Circuit. a to the 1 st , 7 th , and 16 th	6. The bill added four Cir The bill also added three I	reuit Court Judges to the 2 nd , Family Court Judges. One
	at individuals or entities ividual beneficiaries, etc. mula, through a competit. 21-2022 House Bill 369 14 th , and 15 th Circuit.	at individuals or entities would receive these funds lividual beneficiaries, etc.)? How would these funds mula, through a competitive process, based upon pred 21-2022 House Bill 3696. The bill added four Cir 14 th , and 15 th Circuit. The bill also added three I to the 1 st , 7 th , and 16 th Circuits. The bill was pavernor.

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

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AGENCY CODE:	B040	SECTION:	57	

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	4 Revised					
	Provide the Agency Priority Ranking from the Executive Summary.					
TITLE	Court of Appeals Judges and Staff					
	Provide a brief, descriptive title for this request.					
	Trorme a orteg, accertifitre time for this request.					
	General: \$2,200,000					
AMOUNT	Federal: \$0.00					
211100111	Other: \$0.00					
	Total: \$2,200,000					
	What is the net change in requested appropriations for FY 2019-20? This amount should					
	correspond to the total for all funding sources on the Executive Summary.					
Navy Doggan	12 FTEs					
New Positions						
	Please provide the total number of new positions needed for this request.					
	Mark "X" for all that apply:					
	Change in cost of providing current services to existing program audience					
	X Change in case load/enrollment under existing program guidelines					
	Non-mandated change in eligibility/enrollment for existing program					
FACTORS	Non-mandated program change in service levels or areas					
ASSOCIATED WITH	Proposed establishment of a new program or initiative					
THE REQUEST	Loss of federal or other external financial support for existing program					
	Exhaustion of fund balances previously used to support program					
	IT Technology/Security related					
	Consulted DTO during development					
	Related to a Non-Recurring request – If so, Priority #					
	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:					
STATEWIDE	Education, Training, and Human Development					
ENTERPRISE	Healthy and Safe Families					
STRATEGIC	Maintaining Safety, Integrity, and Security					
OBJECTIVES	Public Infrastructure and Economic Development					
	X Government and Citizens					

AGENCY NAME:	South Carolina Judicial Branch
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ACCOUNTABILITY OF FUNDS	NA
	What specific strategy, as outlined in the FY 2018-19 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?
RECIPIENTS OF FUNDS	South Carolina Judicial Branch (SCJB) Employees
	What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?
	The Judicial Branch requests recurring appropriations to fund three (3) new Court of Appeals Judges and staff members.
	Commenced to operation on September 1, 1983, the Court of Appeals has jurisdiction over appeals not within the seven classes of cases for which the Supreme Court has exclusive jurisdiction.
	Court of Appeals case filings are consistently high each year:
JUSTIFICATION OF REQUEST	FY 2019- 1320 cases FY 2020- 1211 cases FY 2021- 784 cases FY 2022- 920 cases
	The addition of three Court of Appeals judges and staff will assist in reducing the backlog of cases within the Court of Appeals. This will allow judges more time to devote to hearing complicated matters, and allow cases filed to move more efficiently through the court system.

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

AGENCY NAME:	South Carolina Judicial Branch			
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FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	5 Revised			
ASDAGE A MOMIT	Provide the Agency Priority Ranking from the Executive Summary.			
	Trovide the Agency Triorny Ranking from the Executive Summary.			
TITLE	Foreign Language and American Sign Language Court Interpreters			
	Provide a brief, descriptive title for this request.			
AMOUNT	General: \$175,000 Federal: \$0.00 Other: \$0.00 Total: \$175,000			
	What is the net change in requested appropriations for FY 2022-2023? This amount should correspond to the total for all funding sources on the Executive Summary.			
New Positions				
	Please provide the total number of new positions needed for this request.			
	The second of th			
	Mark "X" for all that apply:			
	X Change in cost of providing current services to existing program audience			
Change in case load/enrollment under existing program guidelines				
	Non-mandated change in eligibility/enrollment for existing program			
FACTORS	Non-mandated program change in service levels or areas			
ASSOCIATED WITH	Proposed establishment of a new program or initiative			
THE REQUEST	Loss of federal or other external financial support for existing program			
	Exhaustion of fund balances previously used to support program			
	IT Technology/Security related			
	Consulted DTO during development			
	Related to a Non-Recurring request – If so, Priority #			
	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:			
STATEWIDE	Education, Training, and Human Development			
ENTERPRISE	Healthy and Safe Families			
STRATEGIC	Maintaining Safety, Integrity, and Security			
OBJECTIVES	Public Infrastructure and Economic Development			
	X Government and Citizens			

AGENCY NAME:	South Carolina Judicial Branch		
AGENCY CODE:	B040 Section: 57		
ACCOUNTABILITY OF FUNDS	NA		
	What specific strategy, as outlined in the FY 2021-2022 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?		
RECIPIENTS OF Funds	Foreign Language and American Sign Language Court Interpreters		
	What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?		
	The administration of justice requires clear communication in the courtroom, which means that all participants in the legal process should be able to fully participate in the process through a clear understanding of what is occurring in real time. Using certified foreign language and sign language interpreters is imperative for those with limited English proficiency and functional hearing loss. Failure to provide clear, concise interpretation services results in a serious impediment to everyone's right to have access to justice. The primary consequence of not having certified court interpreters is the possible denial of meaningful access to the court system.		
JUSTIFICATION OF REQUEST	As of the 2020 United States Census, the percentage of South Carolinians that primarily speak another language at home is 5.2%. The percentage that has some form of hearing disability is 5.8%. The National Population Projections expects international migration to overtake natural birth as the driver of population growth in the United States by 2030, which forecasts a growing need for more robust foreign language services. Without looking to 2030, South Carolina's percentage of citizens with some form of hearing disability has surpassed the national percentage of 3.6.		
	SC Code Section 17-1-50(B)(1) requires the court to appoint a certified or otherwise qualified court interpreter to any criminal proceeding where a party, witness, or victim does not sufficiently understand English to comprehend the		

proceedings. Similarly, SC Code Section 15-27-15 requires the court to appoint a certified deaf interpreter in any legal proceeding where one is required for the

AGENCY NAME:	South Carolina Judicial Branch			
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fulfillment of justice. This code section does not limit the use of sign language interpreters to just criminal proceedings, which increases the need for this service. Within both sections, the law states all fees for interpreting services must be paid out of the general fund of the State from funds appropriated to the South Carolina Judicial Branch.

The funding allocated by the Legislature has been static for the last six years. Unfortunately, the reimbursement rates have also remained static for several years with the last rate increase for foreign language interpretation services occurring in 2006 and sign language interpretation services in 2004. A review of the reimbursement rates paid by the other Southeastern states show the following: 1) certified Spanish court interpreters are paid between \$40 - \$65 per hour. Certified court interpreters who provide services in languages other than Spanish are paid between \$65 - \$100 per hour. American Sign Language interpreters are paid between \$70 - \$125 per hour. In South Carolina, current appropriations have limited the rates of certified foreign language interpreters and certified American Sign Language interpreters to \$45 per hour.

The Judicial Branch is seeking additional appropriations to fund an increase in the reimbursement rate of certified foreign language interpreters and American Sign Language interpreters.

Now that remote appearances have become the norm, interpreters have become more selective about the assignments they accept since they can now appear in other states or other assignments without incurring travel costs. The increased rate will allow the retention of these interpreters who currently work with the Judicial Branch but choose to prioritize private assignments over court proceedings.

Additional funding from the Legislature, will allow the Branch to be more competitive, attract, and retain more interpreters.

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

AGENCY NAME:	Sou	th Carolina Judicial Bra	nch	
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FORM B2 – NON-RECURRING OPERATING REQUEST

AGENCY PRIORITY	6 Revised		
	Provide the Agency Priority Ranking from the Executive Summary.		
TITLE	Legal Fees		
	Provide a brief, descriptive title for this request.		
AMOUNT	\$5,000,000		
	What is the net change in requested appropriations for this Fiscal Year? This amount should correspond to the total for all funding sources on the Executive Summary.		
FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply: Change in cost of providing current services to existing program audience Change in case load/enrollment under existing program guidelines Non-mandated change in eligibility/enrollment for existing program Non-mandated program change in service levels or areas Proposed establishment of a new program or initiative Loss of federal or other external financial support for existing program Exhaustion of fund balances previously used to support program IT Technology/Security related Consulted DTO during development HR/Personnel Related X Request for Non-Recurring Appropriations Request for Federal/Other Authorization to spend existing funding Related to a Recurring request – If so, Priority #		
STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective: Education, Training, and Human Development Healthy and Safe Families Maintaining Safety, Integrity, and Security Public Infrastructure and Economic Development X Government and Citizens		
ACCOUNTABILITY OF FUNDS	NA		

What specific strategy, as outlined in the most current Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

AGENCY NAME:	South Carolina Judicial Branch			
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RECIPIENTS OF FUNDS

Vendors

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

Thousands of people interact with the South Carolina Judicial Branch each day, coming into contact with its judges and employees, entering its facilities, and being governed by its rules and procedures.

Most of those interactions are routine. Others result in decisions by juries or judges where at least half of the parties are dissatisfied, but sometimes no party is satisfied. While most of the dissatisfied avail themselves of the appeals process, others seek legal redress against the judges, employees and institution itself. Additionally, like any institution with far-reaching impact and operations, the South Carolina Judicial Branch has a structure, rules and procedures by which it must govern itself and operations. Dissatisfied parties, may take issue with the process, procedures and rules established by the Supreme Court and Branch officials, and seek redress in state and federal courts.

JUSTIFICATION OF REQUEST

Legal action against any Branch of government is not unusual. However, as the number of people who interact with our state courts and the Judicial Branch increases, so does the need to defend itself against threatened and real legal challenges.

Currently, the Judicial Branch does not have a budget for litigation. This requested appropriation will assist the Judicial Branch in defending against the increasing cost and amount of threatened and real litigation. As a coequal Branch of government, it is vital the Judicial Branch be able to engage adequate legal representation.

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. Does this non-recurring appropriation request create an annualization or need for recurring funds?

AGENCY NAME:	South	Carolina Judicial Bra	anch
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FORM B2 – NON-RECURRING OPERATING REQUEST

AGENCY PRIORITY	7 Revised
	Provide the Agency Priority Ranking from the Executive Summary.
TITLE	Court Art Restoration and Conservation
	Provide a brief, descriptive title for this request.
AMOUNT	\$500,000
	What is the net change in requested appropriations for FY 2019-20? This amount should correspond to the total for all funding sources on the Executive Summary.
FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply: Change in cost of providing current services to existing program audience Change in case load/enrollment under existing program guidelines Non-mandated change in eligibility/enrollment for existing program Non-mandated program change in service levels or areas Proposed establishment of a new program or initiative Loss of federal or other external financial support for existing program Exhaustion of fund balances previously used to support program IT Technology/Security related Consulted DTO during development Request for Non-Recurring Appropriations Request for Federal/Other Authorization to spend existing funding Related to a Recurring request – If so, Priority #
STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective: Education, Training, and Human Development Healthy and Safe Families Maintaining Safety, Integrity, and Security Public Infrastructure and Economic Development X Government and Citizens
ACCOUNTABILITY OF FUNDS	NA NA

What specific strategy, as outlined in the FY 2018-19 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

AGENCY NAME:	South Carolina Judicial Branch			
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RECIPIENTS OF FUNDS

Vendors

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

The appellate courts have been acquiring fine and decorative works of art to preserve the courts' history. These exhibits are located in the Supreme Court and Court of Appeals' buildings and consist of paintings, historical furnishings, and prints from the Nineteenth (19th) through Twenty-first (21st) Centuries. Many paintings are in beautiful historical hand carved frames considered true treasures and very valuable. As noted in a recent appraisal by Miller Gaffney Art Advisory, due to age, improper lighting, and other environmental factors that cause deterioration, the collections need restoration and conservation measures in order to preserve the life of the article and ensure the ability to be enjoyed by generations to come.

JUSTIFICATION OF REQUEST

The South Carolina Judicial Branch requests \$500,000 non-recurring dollars to restore damaged paintings and frames, repair the skylight in Supreme Court and provide proper ambient light to preserve the portraits in the gallery, and commission portraits for the Supreme Court Justices and Court of Appeals Judges that are missing from the collections.

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. Does this non-recurring appropriation request create an annualization or need for recurring funds?

FORM D – PROVISO REVISION REQUEST

NUMBER

NEW

Cite the proviso according to the new year renumbered list for the (or mark "NEW").

TITLE

JUD: Across the Board Cut Exemption

Provide the title from the most recent Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM

Identify the associated budget program(s) by name and budget section.

RELATED BUDGET REQUEST

NA

Is this request associated with a budget request you have submitted for the upcoming Fiscal Year? If so, cite it here.

REQUESTED ACTION

New

Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED

NA

Which other agencies would be affected by the recommended action? How?

SUMMARY & EXPLANATION

The South Carolina Judicial Branch is one of the three co-equal branches of state government. The Branch receives approximately .85% (or less than 1%) of total general appropriations for the entire state to administer the core government function of managing the unified court system for South Carolina. 89% of the Branch's recurring general appropriations are used for statutorily mandated salary and fringe benefits. The remaining 11% of recurring general fund appropriations are used for operating costs to fund judicial core functions. Core functions such as judicial salaries, monthly allowance, reactive judge program, court rotation, court interpreting, and court education are mandated by statute, thus unable to absorb any reductions in funding.

Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it. Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

AGENCY NAME:	4	th Carolina Judicial Br	
AGENCY CODE:	B040	SECTION:	57
	Reduction of funding will rend Constitutional requirements, the increased case backlog. Reduce efficiency of the unified court	nus resulting in the cancella ction of funding will dimini	tion of terms of court and
FISCAL IMPACT			
	Provide estimates of any fisca federal, or other funds. Explai		
	bly implements an across the Section 57, shall be exempt		
PROPOSED PROVISO TEXT			
	91		

Paste most current proviso text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

Tab 6 - Judicial Branch Proviso Request Summary

Constitutional Subcommittee Proviso Request Summary FY 2023-2024						
Proviso # in FY 21- 22 Act	Renumbered FY 22-23 Proviso #	Proviso Title	Short Summary	Agency Recommended Action (keep, change, delete, add)		
57.1	57.1	Prohibit County Salary Supplements	Prohibits county salary supplements to Judicial Department personnel.	Keep		
57.2	57.2	County Offices for Judges	Counties must provide Circuit and Family Court Judges an office with utilities. Also, provide an office with utilities to Supreme Court Justices and Court of Appeals Judges upon request.	Keep		
57.3	57.3	Judicial Expense Allowance	Judges deemed full-time shall received \$1,000 per month as expense allowance.	Keep		
57.4	57.4	Special Judge Compensation	No special judges shall be paid for more than a two-week term within a fiscal year, does not apply in cases of on-going trials.	Кеер		
57.5	57.5	BPI/Merit	Judicial Department employees shall receive base and merit pay as the same percentages granted to classified state employees.	Keep		
57.6	57.6	Supreme Court Bar Admissions	The Judicial Department is authorized to receive, expend, retain, and carry forward funds collected from the Supreme Court Bar Admissions Office.	Кеер		
57.7	57.7	Travel Reimbursement	Judicial Department employees traveling on official business must be reimbursed according to Proviso 117.20(J).	Кеер		
57.8	57.8	Interpreters	Appropriations for interpreters must be expended for costs associated with appointed interpreters in judicial proceedings.	Кеер		
57.9	57.9	Reimbursement Receipt Deposit	The Department is authorized to retain funds collected for reproducing, printing, and distributing copies of court rules and other documents.	Кеер		
57.10	57.10	Surplus Property Disposal	Authorizes donation of surplus technology equipment directly to counties for court-related purposes.	Keep		
57.11	57.11	Judicial Carry Forward	The Judicial Department is authorized to carry forward unexpended funds.	Keep		
57.12	57.12	Case Management Services	The Judicial Department is authorized to collect/retain revenue from fees for support services for the Case Management System.	Keep		
57.13	57.13	Magistrate's training	The Judicial Department shall provide annual magistrates training on domestic violence.	Keep		

57.14	57.14	Judges' Salary Exemption	Prohibits judges' salary and related employer contributions from across-the-board reductions.	Кеер
57.15	57.15	Judicial Department Applicability	Acknowledges, as the third branch of government, the Judicial Department is not required to respond to mandates or provisions that do not specify "South Carolina Judicial Department".	Keep
57.16	57.16	Court Costs Carry Forward	The Judicial Department is authorized to collect/retain funds collected from costs related to court proceedings under SC Appellate Court Rules 413 or 502.	Keep
57.17	57.17	Appellate Court Fee	The Judicial Department is authorized to retain funds collected by the SC Appellate Court Rules.	Keep
57.18	57.18	Interpreter Training and Certification	The Judicial Department is authorized to receive, expend, retain, and carry forward funds collected for interpreter training and certification tests.	Keep
ADD	ADD	Across the Board Budget Reductions	Whenever the Executive Budget Office or General Assembly implements an across the board budget reduction, the funds appropriated in Part IA, Section 57, shall be exempt from any such mandated budget reductions.	ADD



Section 57- B040

57.1. (JUD: Prohibit County Salary Supplements) County salary supplements of Judicial Department personnel shall be prohibited.

Action Requested: Keep

57.2. (JUD: County Offices For Judges) Every county shall provide for each circuit and family judge residing therein an office with all utilities including a private telephone, and shall provide the same for Supreme Court Justices and Judges of the Court of Appeals upon their request.

Action Requested: Keep

57.3. (JUD: Judicial Expense Allowance) Each Supreme Court Justice, Court of Appeals Judge, Family Court Judge and Circuit Court Judge and any retired judge who receives payment for performing full-time judicial duties pursuant to Section 9-8-120 of the South Carolina Code of Laws, shall receive one thousand dollars per month as expense allowance.

Action Requested: Keep

57.4. (JUD: Special Judge Compensation) In the payment of funds from "Contractual Services", and "Administrative Fund", that no special judge shall be paid for more than a two week term within a fiscal year except that this restriction will not apply in case of an ongoing trial.

Action Requested: Keep

57.5. (JUD: BPI/Merit) Judicial employees shall receive base and average merit pay in the same percentages as such pay are granted to classified state employees.

Action Requested: Keep

57.6. (JUD: Supreme Court Bar Admissions) Any funds collected from the Supreme Court Bar Admissions Office may be deposited into an escrow account with the State Treasurer's Office. The department is authorized to receive, expend, retain, and carry forward these funds.

Action Requested: Keep

57.7. (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be reimbursed in accordance with Section 117.20(J) of this act.

Action Requested: Keep

57.8 (JUD: Interpreters) The funds appropriated in this section for "Interpreters" shall be used to offset costs associated with interpreters appointed in judicial proceedings under Sections 17-1-50, 15-27-155, and 15-27-15. The selection, use, and reimbursement of interpreters shall be determined under such guidelines as may be established by the Chief Justice of the Supreme Court.

Action Requested: Keep

57.9. (JUD: Reimbursement Receipt Deposit) Amounts received as payment for reproducing, printing, and distributing copies of court rules and other department documents shall be retained for use by the department.

Action Requested: Keep

57.10. (JUD: Surplus Property Disposal) Technology equipment that has been declared surplus may be donated directly to counties for use in court-related activities.

Action Requested: Keep

57.11. (JUD: Judicial Carry Forward) In addition to the funds appropriated in this section, the funds appropriated for the Judicial Department in the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended in the current fiscal year.

Action Requested: Keep

57.12. (JUD: Case Management Services) The Judicial Department shall retain revenue generated by charging a fee for technology support services provided to users of the State case management system. These funds may be expended and carried forward to offset the costs of supporting and maintaining the case management system.

Action Requested: Keep

- **57.13.** (JUD: Magistrates' Training) From the funds appropriated to the Judicial Department, the department shall provide magistrates annual continuing education on domestic violence, which may include, but is not limited to:
 - (1) the nature, extent, and causes of domestic and family violence;
 - (2) issues of domestic and family violence concerning children;
 - (3) prevention of the use of violence by children;
 - (4) sensitivity to gender bias and cultural, racial, and sexual issues;
 - (5) the lethality of domestic and family violence;

- (6) legal issues relating to domestic violence and child custody;
- (7) procedures, penalties, programs, and other issues relating to criminal domestic violence, including social and psychological issues relating to such violence, the vulnerability of victims and volatility of perpetrators, and the court's role in ensuring that the parties have appropriate and adequate representation;
- (8) procedures and other matters relating to issuing orders of protection from domestic violence.

Action Requested: Keep

57.14. (JUD: Judges' Salary Exemption) For the current fiscal year, judges' salaries and related employer contributions in Part IA, Section 57, are exempt from mid-year across-the-board reductions.

Action Requested: Keep

57.15. (JUD: Judicial Department Applicability) For purposes of this act and any other provision of law that would have any effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate or requirement of the provision, the terms "state agency" or "agency" do not include any component of the Judicial Department unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

Action Requested: Keep

57.16. (JUD: Court Costs Carry Forward) The Judicial Department shall retain the funds collected from costs related to court proceedings (including the cost of hearings, investigations, prosecution, service of process and court reporter services) under Rules 413 or 502 of the SC Appellate Court Rules, or from costs related to the appointment of a receiver or an attorney to assist the receiver under Rule 413, that are assessed against a party. The department is authorized to receive, expend, retain, and carry forward these funds which shall be used for the same purpose.

Action Requested: Keep

57.17. (JUD: Appellate Court Fee) The Judicial Department shall retain the funds collected as required by the SC Appellate Court Rules. The department is authorized to receive, expend, retain, and carry forward these funds which shall be used by the department.

Action Requested: Keep

57.18. (JUD: Interpreter Training and Certification) The Judicial Department shall collect and retain funds received from applicants for interpreter training and certification tests. These funds shall be used to offset expenses incurred for the SC Court Interpreter Certification Program. The department is authorized to receive, expend, retain, and carry forward these funds.

Action Requested: Keep

Tab 8 - Judicial Branch Carry forward Information

SC Judicial Branch FY22 Cash Carryforward Summary

Title	Description	Amount	
General Fund	Recurring Appropriations	\$ -	
Fines and Fees Committed for G	General Operations and Special Projects		
Circuit Court-Filing Fee	Committed for personal services/fringe	\$ 5,443,266.04	
Magistrate Court-Filing Fee	Committed for operating expenses	\$ 5,784,792.86	
Law Enforcement Surcharge	Committed for operating expenses	\$ 5,265,306.66	
	Total Cash Balance for General Operations	\$ 16,493,365.56	
Restricted, Committed, and Obl	ligated for Special Purposes		
Operating Revenue	Miscellaneous Revenue, Bar Exam Operations, Receiver/Commission Operations	\$ 1,388,279.12	
Special Deposits	Restricted for Office of Disciplinary Counsel, Receiver, IT Operations	\$ 4,406,222.84	
Judicial Development	Restricted for approved projects		
Case Management	Committed for general operations of Case Management System	\$ 8,058,575.54	
Sale of Assets	Restricted to replace office equipment	\$ 4,032.86	
Capital Reserve Fund	Reserve Fund Restricted for Capital Reserve Projects: Disaster Recovery, E-filing, Building Renovations, CMS Modernization		
	Total Cash Balance for Restricted/Special Purposes	\$ 32,579,142.25	
	Total SCJB Cash Balance	\$ 49,072,507.81	

Tab 9 - Judicial Branch FTE Breakdown

2023 FTE Count as of 01/09/2023

Updated 01.09.2023

Program	Functional Area	Funding	Filled	Vacant	Total
Supreme Ct	B040_0004	State	42	10	52
Court of Appeals	B040_0011	State	65	11	76
Circuit Court	B040_0006	State	140	7	147
Family Court	B040_0007	State	114	6	120
Family Court	B040_0007	Other	0	57	57
Reactivated Judge	B040X0013	State	0	1	1
Board of Law of Examiners	B040_0005	Other	5	0	5
Office of Disciplinary Counsel	B040_0015	State	7	3	10
Office of Disciplinary Counsel	B040_0015	Other	7	0	7
Commission on Conduct	B040_0029	State	4	0	4
Commission on Conduct	B040_0029	Other	2	2	4
Court Administration	B040_0008	State	2	0	2
Judges Scheduling	B040_0036	State	8	12	20
Court Services	B040_0033	State	12	3	15
Public Information	B040_0034	State	0	1	1
Court Reporters	B040_0035	State	103	22	125
Human Resources	B040_0037	State	9	2	11
Fiscal Services	B040_0039	State	10	2	12
Information Tech	B040_0016	Other	35	3	38
Information Tech	B040_0016	State	13	1	14
			Filled	Vacant	FTEs
		State	529	81	610
		Other	<u>49</u>	<u>62</u>	<u>111</u>
		Total FTE	578	143	721

Tab 10 - Judicial Branch Additional Information



Mission

To provide a fair and efficient forum for the just resolution of civil, family, and criminal matters.

Vision

The Judicial Branch works constantly to provide a court system that not only is fair but is perceived as fair, in which all persons are treated equally and all matters are resolved in an unbiased and just manner according to the law as established by the United States Constitution, the Constitution of South Carolina, state statutes, and the common law.



Programs and Accomplishments

Technology

- New Trial Court Case Management System
- Technology Enhanced Courtroom (TEC) Project
- Digital Court Reporting
- New and Improved SCCourts.org
- Court of Appeals Streaming with SCETV and Archived Video



Court Administration

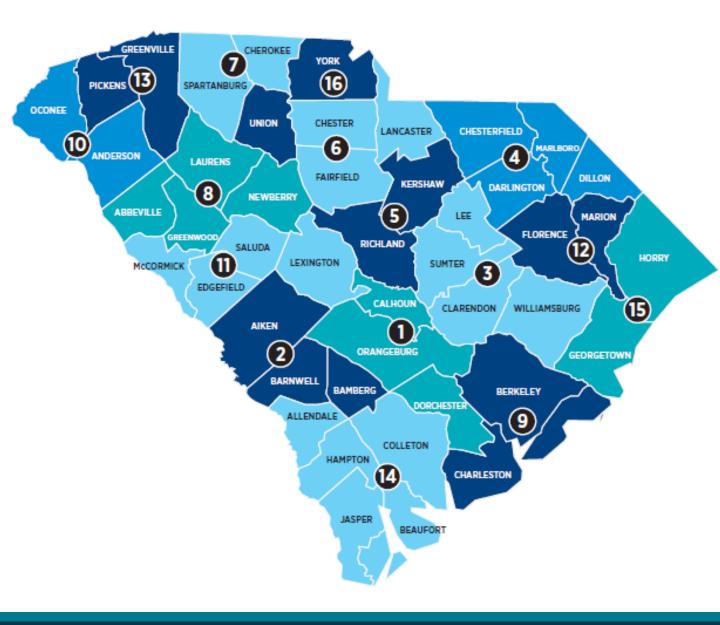
- Docket Liaisons
- Disaster Recovery and Crisis Management
- Mental Health Initiative
- Judicial Education Advisory Committee
- Court Education
- Interpreting



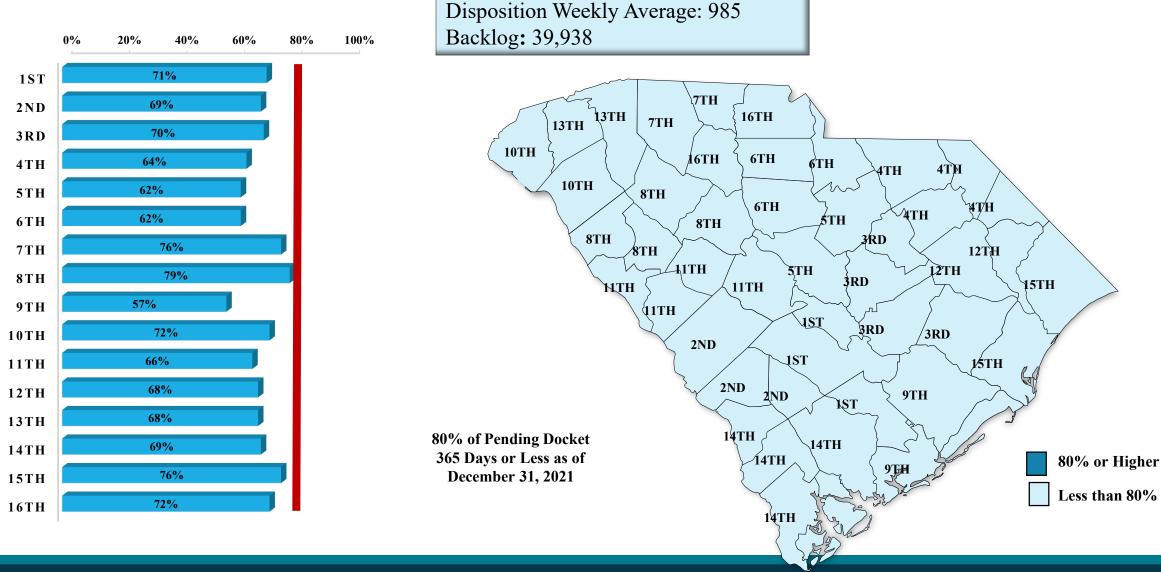


Court Data

South Carolina Judicial Circuits

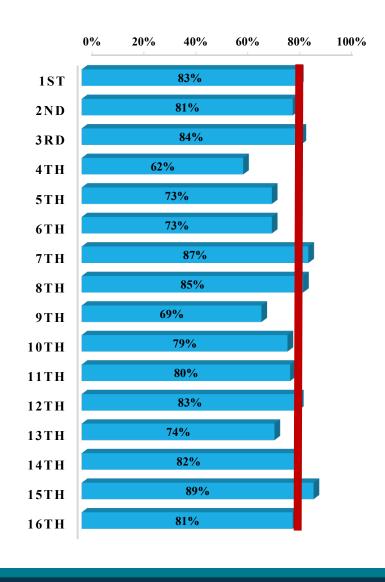


Family Court Circuits Meeting Benchmark in December 2021

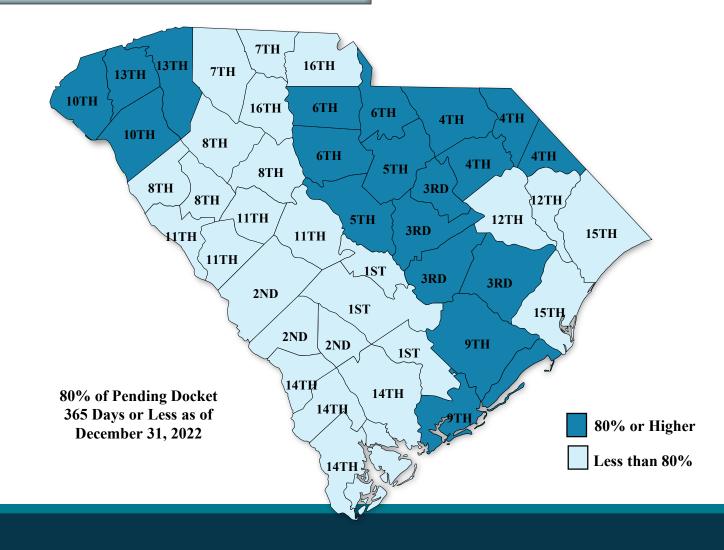




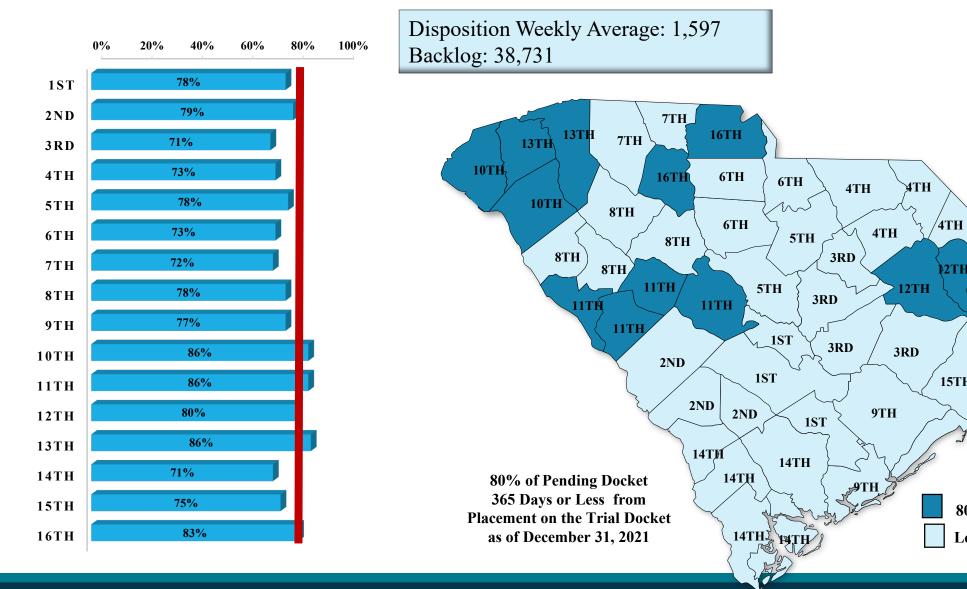
Family Court Circuits Meeting Benchmark in December 2022



Disposition Weekly Average: 1362 Backlog: 35,866



Common Pleas Circuits Meeting Benchmark in December 2021





12TH

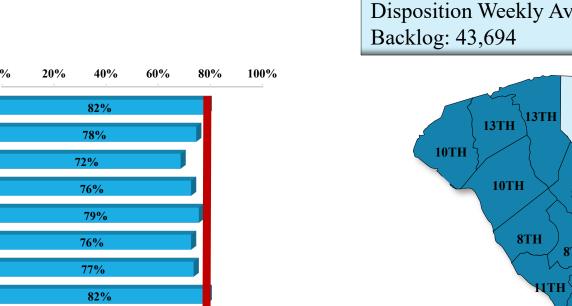
15TH

15TH

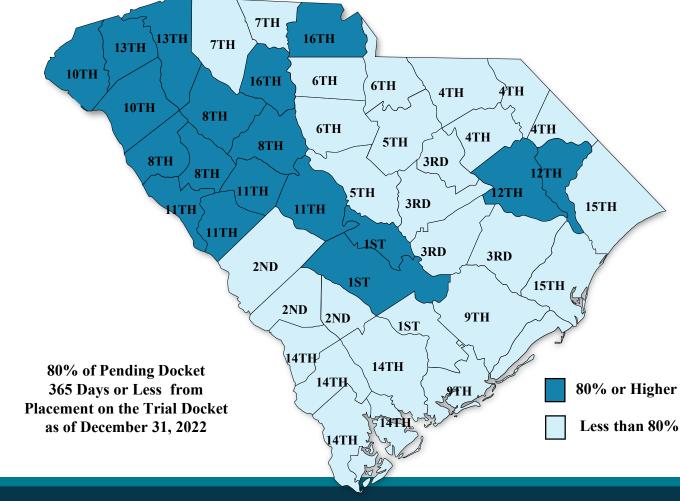
80% or Higher

Less than 80%

Common Pleas Circuits Meeting Benchmark in December 2022



Disposition Weekly Average: 1,842





77%

88%

86%

85%

88%

77%

76%

81%

1ST

2ND

3RD

4TH

5TH

6TH

7TH

8TH

9TH

10TH

11TH

12TH

13TH

14TH

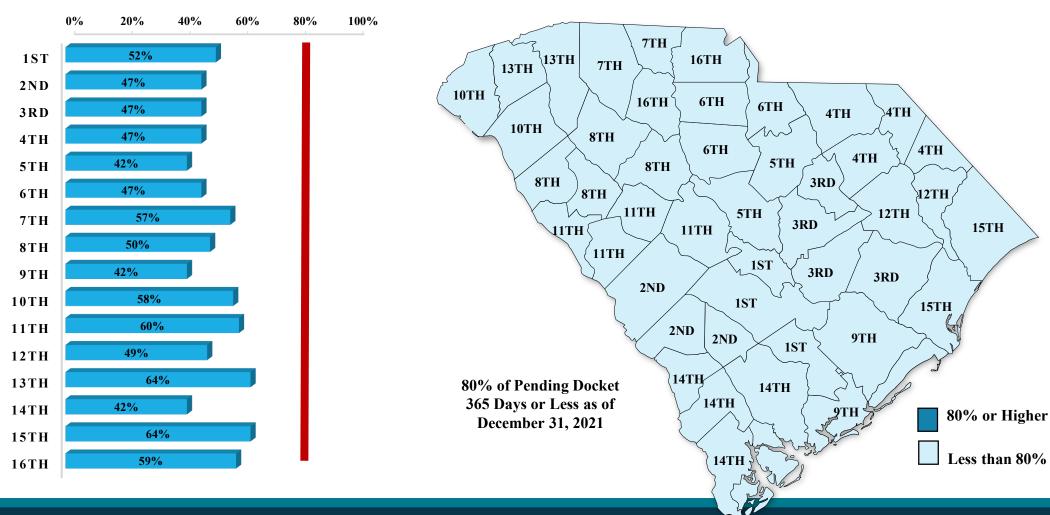
15TH

16TH

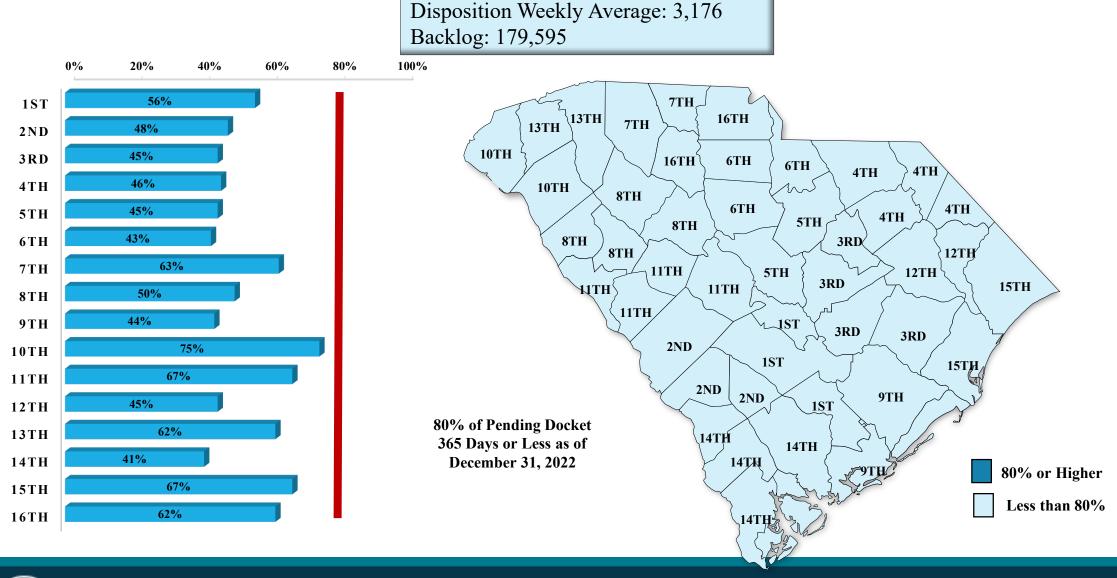
General Sessions Circuits Meeting Benchmark in December 2021

Disposition Weekly Average: 3,059

Backlog: 181,057



General Sessions Circuits Meeting Benchmark in December 2022



SCJB Fines and Fees Received

FISCAL YEAR	Circuit/Family Court Motion Fees	Alimony/Child Support Fees	Circuit/Family Court Filing Fee - \$100	Circuit/Family Court Filing Fee - \$50	General Sessions Law Enf Surcharge	Magistrates Law Enf Surcharge	Municipal Law Enforcement Surcharge	Magistrate Court Filing - \$25	Magistrate Court Filing - \$10	Traffic Education Program	Total Fines and Fees Received
FY 2011 – 2012	\$2,671,844	\$3,095,558	\$1,845,400	\$3,753,517	\$32,032	\$800,381	\$693,947	\$879,700	\$1,768,713	\$1,139	\$15,542,231
FY 2012 – 2013	\$2,609,364	\$3,009,723	\$1,697,768	\$3,441,417	\$33,748	\$786,798	\$639,698	\$858,694	\$1,787,069	\$1,692	\$14,865,971
FY 2013 – 2014	\$2,434,928	\$3,157,422	\$1,625,114	\$3,203,841	\$33,444	\$800,744	\$638,075	\$1,011,348	\$2,296,374	\$2,942	\$15,204,232
FY 2014 - 2015	\$2,389,249	\$3,176,246	\$1,551,752	\$3,131,051	\$34,202	\$805,824	\$627,084	\$950,304	\$1,834,865	\$2,099	\$14,502,676
FY 2015 - 2016	\$2,190,122	\$3,250,248	\$1,458,508	\$2,940,997	\$33,235	\$739,520	\$600,589	\$1,071,277	\$1,715,470	\$2,447	\$14,002,413
FY 2016 - 2017	\$2,144,341	\$3,321,056	\$1,476,258	\$2,974,653	\$30,635	\$728,729	\$555,833	\$1,171,349	\$1,728,392	\$2,403	\$14,133,648
FY 2017 - 2018	\$2,148,261	\$3,257,588	\$1,493,711	\$3,009,293	\$31,198	\$704,854	\$527,051	\$1,277,353	\$1,752,805	\$3,052	\$14,205,168
FY 2018 - 2019	\$2,193,170	\$3,062,625	\$1,414,131	\$2,858,085	\$30,585	\$672,808	\$508,609	\$1,432,004	\$1,718,420	\$3,060	\$13,893,497
FY 2019 - 2020	\$2,102,448	\$2,698,399	\$1,405,393	\$2,891,317	\$26,509	\$576,221	\$396,401	\$1,453,852	\$1,501,566	\$3,333	\$13,055,439
FY 2020 - 2021	\$1,878,731	\$2,925,514	\$1,281,418	\$2,612,852	\$25,142	\$485,188	\$359,405	\$1,196,515	\$917,525	\$4,537	\$11,686,827
FY 2021 - 2022	\$2,066,577	\$2,758,139	\$1,260,076	\$2,556,806	\$27,076	\$662,426	\$397,631	\$1,098,998	\$1,155,886	\$3,822	\$11,987,437
% Change from FY 20-21 to FY21-22	10.00%	-5.72%	-1.67%	-2.15%	7.69%	36.53%	10.64%	-8.15%	25.98%	-15.76%	2.57%



SCJB Fines and Fees Revenue

