

**PROVISO SUBCOMMITTEE
LAW ENFORCEMENT AND CRIMINAL JUSTICE
RECOMMENDATIONS FOR FY 2014-15
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 47 - P24-DEPARTMENT OF NATURAL RESOURCES

47.8 DELETE (Cormorant Control) Directs the department to use existing funds to develop regulations in conjunction with the US Fish and Wildlife Service to allow the public to participate in Cormorant control activities on Lake Marion and Lake Moultrie if the impacts on fisheries and vegetation are positive.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Plan is complete and approved by Fish and Wildlife Services.* Requested by Department of Natural Resources.

~~47.8. (DNR: Cormorant Control) The Department of Natural Resources is directed, through the use of existing funds, to develop regulations in conjunction with the US Fish and Wildlife Service to allow public participation in Cormorant control activities on Lake Marion and Lake Moultrie providing that impacts are positive to the fisheries and vegetation.~~

SECTION 59 - E20-OFFICE OF THE ATTORNEY GENERAL

59.5 DELETE (Water Litigation) Requires unexpended Water Litigation funds to be transferred to the Tax Relief Reserve Fund.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *All funds have been expended.* Requested by Office of the Attorney General.

~~59.5. (AG: Water Litigation) Unexpended Water Litigation funds must be transferred to the Tax Relief Reserve Fund.~~

SECTION 60 - E21-PROSECUTION COORDINATION COMMISSION

60.8 DELETE/MERGE (PCC: Victim Assistance Programs) States legislative intent for the use of funds appropriated for victim assistance programs in solicitors' offices.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso and MERGE into proviso 60.9. Requested by Prosecution Coordination Commission.

~~60.8. (PCC: Victim Assistance Programs) It is the intent of the General Assembly that the amounts appropriated in this section for victim assistance programs in 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. Any reduction by any county in funding for victim assistance programs in solicitors' offices shall result in a corresponding decrease of state funds provided to the solicitors' office in that county for victim assistance services. Each solicitor's office shall submit an annual financial and programmatic report which describes the use of these funds. The report shall be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on October first, for the preceding fiscal year.~~

60.9 AMEND (Establish Victim/Witness Program) Requires the funds appropriated for the Victim/Witness Program to be equally divided among the judicial circuits, less any budget reduction adjustments and then be distributed to the solicitor's office of that circuit. Directes that these funds may only used for the purpose of establishing a Victim/Witness Program in the circuit.

**PROVISO SUBCOMMITTEE
LAW ENFORCEMENT AND CRIMINAL JUSTICE
RECOMMENDATIONS FOR FY 2014-15
TO THE HOUSE WAYS AND MEANS COMMITTEE**

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to state legislative intent that the funds appropriated for victim assistance programs in solicitors' offices are in addition to any amount the county provides for these services and may not be used to supplant funding. Direct that if a county reduces funding for victim assistance programs there shall be a corresponding decrease of state funds provided to the solicitors' office for victim assistance services. Requires each solicitor's office by October 1st to submit a report on the use of the funds received during the prior fiscal year. *Merges proviso 60.8 and 60.9.* Requested by Prosecution Coordination Commission.

60.9. (PCC: Establish Victim/Witness Program) The funds appropriated in this section for Victim/Witness Program must be equally divided among the judicial circuits, less any adjustments made for budget reductions. The funds for each circuit must be distributed to the solicitor's office of that circuit and only used by the solicitor for the purpose of establishing a Victim/Witness Program in the circuit which shall provide, but not be limited to, the following services:

- (1) Make available to victims/witnesses information concerning their cases from filing in general sessions court through disposition.
- (2) Keep the victim/witness informed of his rights and support his right to protection from intimidation.
- (3) Inform victims/witnesses of and make appropriate referrals to available services such as medical, social, counseling, and victims' compensation services.
- (4) Assist in the preparation of victims/witnesses for court.
- (5) Provide assistance and support to the families or survivors of victims where appropriate.
- (6) Provide any other necessary support services to victims/witnesses such as contact with employers or creditors.
- (7) Promote public awareness of the program and services available for crime victims.

The funds may not be used for other victim-related services until the above functions are provided in an adequate manner.

It is the intent of the General Assembly that the amounts appropriated in this section for victim assistance programs in 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. Any reduction by any county in funding for victim assistance programs in solicitors' offices shall result in a corresponding decrease of state funds provided to the solicitors' office in that county for victim assistance services. Each solicitor's office shall submit an annual financial and programmatic report which describes the use of these funds. The report shall be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on October first, for the preceding fiscal year.

60.vcp CONFORM TO FUNDING / ADD (Violent Crime Prosecution) **PROVISO SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / ADD new proviso to require Violent Crime Prosecution funds be apportioned among the circuits as follows: distribute the first \$1.6 million on a pro-rata basis and distribute the next \$4.8 million on a per capita basis based on the current official census. Direct that payment be made as soon after the beginning of each quarter as practical. Fiscal Impact: Agency requested 6.4 million in general funds appropriation. Funding to be determined. Requested by Prosecution Coordination Commission.

**PROVISO SUBCOMMITTEE
LAW ENFORCEMENT AND CRIMINAL JUSTICE
RECOMMENDATIONS FOR FY 2014-15
TO THE HOUSE WAYS AND MEANS COMMITTEE**

60.vcp. (PCC: Violent Crime Prosecution) The amount appropriated and authorized in this section for Violent Crime Prosecution shall be apportioned among the circuits. The first \$1,600,000 shall be distributed on a pro rata basis. The next \$4,800,000 shall be distributed on a per capita basis based upon the current official census. Payment shall be made as soon after the beginning of each quarter as practical.

SECTION 61 - E23-COMMISSION ON INDIGENT DEFENSE

61.5. DELETE (Volunteer Guardian Ad Litem Appointments and Attorney Representation) Authorizes Commission on Indigent Defense and State Office of Guardian ad Litem to work together to use monies in the Civil Appointment Fund to contract with attorneys for GAL based on rate of \$100 per completed hearing. Requires a report be submitted to the Senate Finance and House Ways and Means Committees on the use of Civil Appointment Funds for GAL.

~~61.5. (INDEF: Volunteer Guardian Ad Litem Appointments and Attorney Representation) The Commission on Indigent Defense working with the Guardian ad Litem's Office of the Division of Children's Services, shall allocate a portion of the funds provided for SC Appellate Court Rule 608 Appointments for payments of contracts with attorneys who agree to represent volunteer Guardians ad Litem in child abuse and neglect and termination of parental rights actions in Family Court, based on the rate of \$100 per completed hearing. In determining the amount to be allocated, the commission must take into account the total funds appropriated and weigh this sum against the other demands and obligations of the SC Appellate Court Rule 608 Appointment Fund. The Commission on Indigent Defense shall report to the Senate Finance Committee and the House Ways and Means Committee any payments to individual guardians ad litem from funds provided from the SC Appellate Court Rule 608 Appointment Fund.~~

SECTION 62 - D10-STATE LAW ENFORCEMENT DIVISION

62.16 DELETE (Use of PIP Funds) Authorizes SLED to use approved permanent improvement funds for projects 9807 and 9845 toward construction of a storage and logistics facility.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Upon completion of an agency-wide space analysis, SLED may re-establish a new project via the JBRC approval process.* Requested by State Law Enforcement Division.

~~62.16. (SLED: Use of PIP Funds) The agency is authorized to use approved permanent improvement funds for projects 9807 and 9845 toward construction of a storage and logistics facility.~~

SECTION 65 - N04-DEPARTMENT OF CORRECTIONS

65.12 DELETE (Major Renovations and Repairs) Authorizes the department to use remaining 1997 Bond Act funds for major renovations and repairs or for the construction of new beds.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *All projects are closed and funds have been expended.* Requested by Department of Corrections.

**PROVISO SUBCOMMITTEE
LAW ENFORCEMENT AND CRIMINAL JUSTICE
RECOMMENDATIONS FOR FY 2014-15
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65.12. (CORR: Major Renovations and Repairs) ~~The Department of Corrections may utilize any existing bond funds approved by the 1997 Bond Act for major renovations and repairs and/or the construction of new beds as the budget and inmate population dictate.~~

65.27 **AMEND** (~~Wateree River~~ Correctional Institution *Maintenance and Construction*) Allows the department to use inmate labor for work associated with the Wateree River Correctional Institution Radium - Drinking Water Compliance Project.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete reference to the Wateree River Correctional Institution. Authorize the department to use inmate labor for any maintenance and construction work performed on its own grounds and facilities. Directs that the provisions of Section 40-11-360(A)(9) [EXEMPTIONS FROM CONTRACTORS REQUIREMENT] apply to those projects, including new construction. Requested by Department of Corrections.

65.27. (CORR: ~~Wateree River~~ Correctional Institution *Maintenance and Construction*) ~~The~~ For maintenance and construction activities funded in the current fiscal year, the Department of Corrections may utilize inmate labor to perform any portion of the work which will be installed on the Wateree River Correctional Institution property for the Wateree River Correctional Institution Radium - Drinking Water Compliance Project on its own grounds and facilities. The provisions of Section 40-11-360(A)(9) of the 1976 Code shall apply to any such project, including new construction.

SECTION 66 - N08-DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES

66.2 **AMEND** (Interstate Compact Application Fee) Authorizes the department to charge an application fee of up to \$100 to offenders applying for transfer under the Interstate Compact Act.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the \$100 fee and instead allow the department to charge a fee “not to exceed the department’s actual costs.” Requested by Department of Probation, Parole and Pardon Services.

66.2. (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the department, not to exceed ~~\$100~~ the department’s actual costs, to offenders applying for transfers out of or into the state under the Interstate Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

SECTION 117 - X90-GENERAL PROVISIONS

117.101 DELETE (DOC & PPP Potential Consolidation Plan) Authorize the directors of the Departments of Corrections and Probation, Parole, and Pardon Services to collaborate and develop a plan to consolidate their functions.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

117.101. (GP: DOC & PPP Potential Consolidation Plan) ~~From the funds appropriated to the Department of Corrections and the Department of Probation, Parole and Pardon Services,~~

**PROVISO SUBCOMMITTEE
LAW ENFORCEMENT AND CRIMINAL JUSTICE
RECOMMENDATIONS FOR FY 2014-15
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~the directors of the departments may collaborate and develop a plan to consolidate the functions of the departments.~~

- 117.rcf** **ADD** (Remittance of Court Fee and Fine Money) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require county and city treasurers to remit the set percentages of revenue generated by additional assessments imposed in General Sessions, Family, Magistrate, and Municipal Courts to the State Treasurer by the 15th of each month. Direct that if the required remittance is not made for 2 months in a fiscal year, the SC Criminal Justice Academy may withdraw the law enforcement certification for all law enforcement officers within the political subdivision. Require the finance director to certify under oath by July 1st, that the county and/or city has remitted all required funds. Direct that if such certification is not submitted the Criminal Justice Academy may withdraw law enforcement certification.

117.rcf. (Remittance of Court Fee and Fine Money) County and city treasurers are required to remit to the State Treasurer set percentages of revenues generated by assessments imposed by 14-1-206(A), 14-1-207(A), 14-1-208(A). This remittance is required on a monthly basis by the 15th day of each month.

Should a county and/or city treasurer fail to make the required remittance, the SC Criminal Justice Academy may withdraw the law enforcement certification granted pursuant to 23-23-10 for all law enforcement officers of all law enforcement agencies encompassed within the political subdivision if they have failed to make remittance for two months in a fiscal year. The finance director shall certify by July 1, under oath, that the county and/or city has remitted all funds or the SC Criminal Justice Academy may withdraw the law enforcement certification.

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