



Budget Presentation

House Ways and Means Committee

Subcommittee on Law Enforcement and Criminal Justice

January 26, 2021

**Room 305, Blatt Building
Columbia, South Carolina**

**Rep. Phillip Lowe, Chairman
Rep. Nathan Ballentine
Rep. Dennis Moss**



Budget Hearing Notebook

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SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Hugh Ryan

Executive Director

Hervy Young

Deputy Director/General Counsel

Lawrence Brown

Deputy General Counsel/Training Director

Rodney Grizzle

Comptroller

South Carolina Commission on Indigent Defense Agency Overview

The Commission and the Office of Indigent Defense were established by Act 164 of 1993, effective July 1, 1993. The Office operates pursuant to §17-3-310, et seq. of the South Carolina Code of Laws, 1976, as amended. Effective July 1, 2005, the Office of Appellate Defense became a division within the agency.

The Commission on Indigent Defense, through the Office of Indigent Defense and its divisions, and in cooperation and consultation with other state agencies, professional associations and other groups interested in the administration of criminal justice and the improvement and expansion of defender services, establishes and monitors programs and services for legal representation to indigent defendants charged with criminal offenses in the courts of the state. The agency also manages the Rule 608 Contract program, contracting with attorneys across the state to provide representation in criminal and specific civil and family court cases.

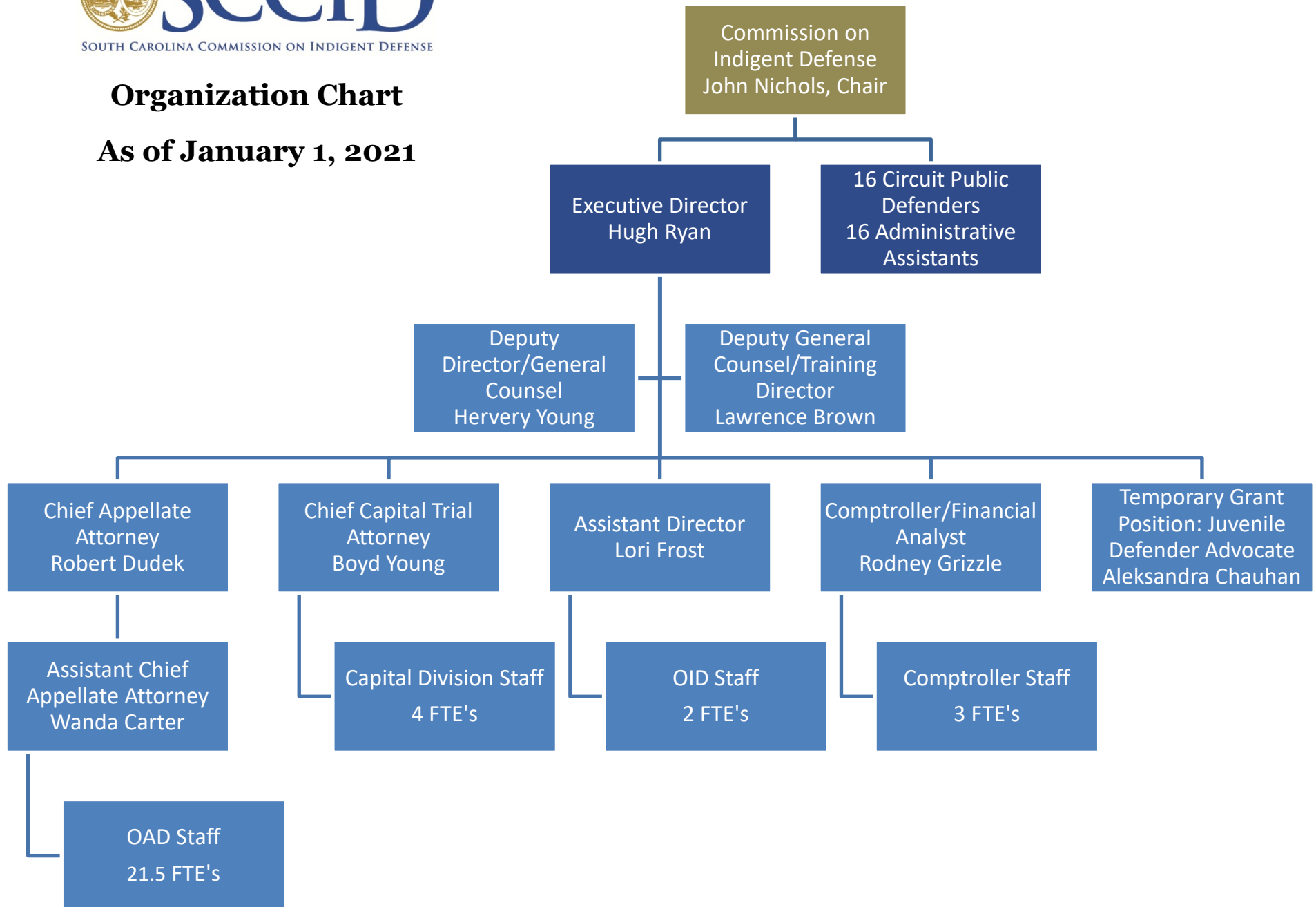
The Appellate Defense division of SCCID handles appeals on behalf of indigent clients and consists of a staff of twelve attorneys.

The Capital Trial division within SCCID handles capital cases, statewide, frequently partnering with outside counsel appointed by the court.

The Office of Indigent Defense establishes guidelines for court-appointed attorneys in representing indigent clients and administers distribution of funding for indigent defense. Additionally, the office establishes and supervises training programs for public defenders and staff across the State and oversees a central reporting system of statistical data in the delivery of indigent defense services.

Organization Chart

As of January 1, 2021



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

FTE INFORMATION

as of 1/21/2021

Agency Code		Authorized Total FTE	Authorized State FTE	Authorized Federal FTE	Authorized Other FTE	Actual Total FTE	Actual State FTE	Actual Federal FTE	Actual Other FTE	Filled Total FTE	Filled State FTE	Filled Federal FTE	Filled Other FTE	Vacant Total FTE	Vacant State FTE	Vacant Federal FTE	Vacant Other FTE
E230	Commission on Indigent Defense	70.50	46.50	0.00	24.00	70.50	46.50	0.00	24.00	66.50	44.50	0.00	22.00	4.00	2.00	0.00	2.00

Commission on Indigent Defense Executive Summary

The South Carolina Commission on Indigent Defense (SCCID) continued to strengthen and fulfill the mission of our statewide public defender system which was created in 2007. Circuit Public Defenders actively participated in all phases of the legislative budget process and with legislation affecting the state's criminal justice system by attending sub-committee and committee hearings throughout the legislative session.

In October of 2019, SCCID was awarded a Federal Grant from the Office of Juvenile Justice Delinquency Prevention Program for a period of 3 years. During the 3 year grant period, this grant will address issues in the state's juvenile defense system by equipping lawyers with skills to prevent youth from being unnecessarily incarcerated, and to assist youth in remaining in the community or re-entering the community with reduced risk of recidivism. This project will emphasize training for all attorneys defending indigent juvenile offenders. The intensified training will build upon the training function already established in the state's Commission on Indigent Defense, coordinated by Juvenile Defender Advocate who will serve as a resource for juvenile defense attorneys. The project will create a sustained, ongoing training curriculum for juvenile defenders, and specialized topics regarding the ability of juvenile defense counsel to advocate for placement decisions for juvenile clients which reduce their prospects of re-offending or promote successful reentry if placed out of their homes.

SCCID continued quarterly meetings with the Circuit Public Defenders and maintained open communication lines with all. SCCID continued to expand its training program. SCCID successfully conducted its 6th annual Public Defense 100 training series for new public defenders entering the system from throughout the state. The program consists of three multi-day seminars and workshops focusing on case analysis and trial advocacy. SCCID has also expanded its training to include attorneys, who contract with the agency, to represent indigent clients in cases where the public defender has a conflict. Working with the Children's Law Center, SCCID has also begun an ongoing series of training workshops for juvenile defenders. In addition to its ongoing training programs, SCCID will continue to present seminars on new and developing areas in the law to assure that clients receive knowledgeable and effective representation.

The agency entered its 8th year of contracting with private attorneys to handle Criminal Conflicts, Family Court, PCR and SVP cases. Contracts are awarded on a one-year basis to attorneys throughout the state. This program, which effectively supplants the Rule 608 court-administered program, continues to be highly successful and efficient in moving cases, and continues to receive universal approval from judges, participating attorneys, prosecutors, and agencies that are involved. Only the most qualified attorneys are selected for contracts which are awarded by a committee consisting of representatives of the agency, the SC Bar, the Commission, and the Circuit Public Defenders. The results of the contract system have been to eliminate calendar conflicts, move the dockets faster, reduce the number of potential appeals, and provide quality representation. The agency continued its partnership with the USC Law School's Children's Law Center to co-host seminars on Family Law issues for contract attorneys and public defenders handling juvenile criminal cases. SCCID fully participates in the Bench and Bar Committee for Family Law and has a well-established cooperative relationship with all interests which are represented on the committee including DSS, DJJ, Court Administration, GAL Program, Family Court Judges, and other key personnel in the Family Court.

The agency continues to monitor and review its policies and guidelines and their application by service providers, including private investigators, contract attorneys and other counsel appointed by the courts. We have frequently requested hearings or telephone conferences with judges and counsel to address requests for attorney fee/expert witness fees that exceed caps, policies and guidelines, or to establish an agreement as to caps on fees and experts in many cases. This involvement has resulted in a much more efficient use of limited state resources. While it has taken many years to reach this point, nearly all participants in the system now recognize that the agency does carefully monitor and audit voucher requests for payment of fees and costs that do not appear reasonable. The contract system, because of its flat fee structure, has resulted in a more efficient voucher processing system. Due to this increased efficiency, the agency did not find it necessary to fill a voucher processing position after the position became vacant.

We continue to work very diligently to have municipalities with their own optional courts provide resources for indigent representation. As a result, in a growing number of municipalities, the municipality and the circuit public defenders have entered into contracts to do so. The legislature overwhelmingly again approved Proviso 61.12, which requires adequate funding by municipalities that chose to have a municipal court. This requirement continues to fulfill a long-term goal of the Commission and the agency and is a significant achievement in both providing access to justice at the municipal level and having the funding source for it as well.

The agency continued support and program planning and implementation with the SC Public Defender Association for their annual training conference; co-sponsoring with the USC School of Law's Children's Law Center seminars on juvenile issues for both public defenders and private bar contract attorneys; its arrangement with the Nelson Mullins law firm to provide pro bono appellate attorneys to assist the agency's appellate division in brief writing and oral arguments of selective cases before the state's appellate courts to help alleviate the crushing caseload that our appellate division must handle.

The position of Comptroller/Financial Analyst created in July of 2016 and filled in August of 2016 continues to serve a crucial function for the agency. This position provides the agency with an uninterrupted focus on its finances and their sources, which can be very complex to understand and follow, and allows us to pursue financial audits of fee and fine allocations. It has also allowed the Assistant Director position to focus entirely on administrative and personnel matters and supervise voucher processing and payment. This has resulted in a much smoother and more cost-effective operation of the agency with increased accountability. In addition, there is continued publishing of weekly (every Monday) financial reports with year to date and supporting information and side-by-side comparisons of 3 consecutive fiscal years; continued adjustments in agency operational priorities as necessary and close monitoring of fees and fines revenue designated for agency receipt.

A few years ago, the Commission approved Performance Standards for Public Defenders. In conjunction with The Children's Law Center, SCCID undertook the task of developing Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases. The majority of the attorneys providing this representation are Indigent Defense Contract Attorneys (formally referred to as Rule 608 Contract Attorneys). A committee was formed to develop these practice standards in order to promote quality representation and uniformity of practice throughout the State for attorneys for indigent parents in child abuse and neglect cases. The

committee consists of practicing Rule 608 attorneys, and representatives from DSS, Judiciary, and SCCID. These standards were approved by the Commission in March 2019.

The South Carolina Supreme Court received a grant to participate in the Right to Counsel Campaign. The grant provides Training and Technical Assistance (TTA). SCCID was invited by the Chief Justice to participate on the team of stakeholders in South Carolina to explore the adoption, implementation, and sustainment of effective approaches to ensuring the Right to Counsel in all courts across the State. We continue to work on this project.

The Agency has continued to work on ways to give and receive employee feedback. In March 2020 supervisors met and evaluated each employee's performance, outlining any areas for improvement, highlight things they have done well, and accept feedback on each employee's assessment of the Agency's performance. The Agency also implemented a policy that all employees leaving the Agency will complete an exit interview. This will provide the Agency with information concerning tasks we may be doing well and those tasks we may can improve on.

In November 2018, the House Legislative Oversight Committee conclude their review of SCCID and provided their final recommendations. SCCID has completed many of these recommendations and continues to work on the others. The Agency received positive feedback from the Committee for the preparation and extensive compilation of Agency data This process has required substantial work and production of documents, many of which can be found posted on the SC Legislature website (<https://www.scstatehouse.gov/>) under the tab "Committee Postings and Reports". There you can also find video archives of each of the meetings.

South Carolina Enterprise Information System

Summary of Expenditures By Funded Program (424)

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FY 2020 PP: 13 ()

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Source: FM Budget Vs Actual

E230 COMMISSION ON INDIGENT DEFENSE

10000000 GENERAL FUND

Funded Program - Budget	Budget Act CI Info	Appropriations	Current Budget	YTD Actual Expense	Balance Before Commitments	Commitments and Other Transactions	Remaining Balance	Pct Spent
0100.010000.000 ADMINISTRATION	501014 EXECUTIVE DIR	\$135,700.00	\$141,392.17	\$141,392.17	(\$0.00)		(\$0.00)	100.0
	501058 CLASSIFIED POS	\$400,950.00	\$392,901.42	\$392,901.42	(\$0.00)		(\$0.00)	100.0
	501070 OTH PERS SVC	\$1,234.00	\$4,200.00	\$4,200.00	\$0.00		\$0.00	100.0
	Personal Services Total:	\$537,884.00	\$538,493.59	\$538,493.59	(\$0.00)		(\$0.00)	100.0
	512001 OTHER OPERATING	\$0.00	\$50,065.31	\$50,065.31	\$0.00	\$0.00	\$0.00	100.0
	Other Operating Expenses Total:	\$0.00	\$50,065.31	\$50,065.31	\$0.00	\$0.00	\$0.00	100.0
0100.010000.000 ADMINISTRATION Total:		\$537,884.00	\$588,558.90	\$588,558.90	(\$0.00)	\$0.00	(\$0.00)	100.0
0100.190000X000 RULE 608 APPOINT FUN	512001 OTHER OPERATING			\$8,605,865.48	(\$8,605,865.48)	\$0.00	(\$8,605,865.48)	
	Other Operating Expenses Total:			\$8,605,865.48	(\$8,605,865.48)	\$0.00	(\$8,605,865.48)	
	561000 MISC OPS	\$8,605,865.48	\$8,605,865.48		\$8,605,865.48		\$8,605,865.48	
	Special Items Total:	\$8,605,865.48	\$8,605,865.48		\$8,605,865.48		\$8,605,865.48	
0100.190000X000 RULE 608 APPOINT FUN Total:		\$8,605,865.48	\$8,605,865.48	\$8,605,865.48	\$0.00	\$0.00	\$0.00	100.0
0104.250000X000 INFO TECH SERVICES	512001 OTHER OPERATING			\$121,793.18	(\$121,793.18)	\$0.00	(\$121,793.18)	
	Other Operating Expenses Total:			\$121,793.18	(\$121,793.18)	\$0.00	(\$121,793.18)	
	561000 MISC OPS	\$127,192.00	\$121,793.18		\$121,793.18		\$121,793.18	
	Special Items Total:	\$127,192.00	\$121,793.18		\$121,793.18		\$121,793.18	
0104.250000X000 INFO TECH SERVICES Total:		\$127,192.00	\$121,793.18	\$121,793.18	\$0.00	\$0.00	\$0.00	100.0
0501.000000.000 DIV OF APPELLATE DEF	501058 CLASSIFIED POS	\$732,411.00	\$725,206.01	\$725,206.01	(\$0.00)	\$0.00	(\$0.00)	100.0
	501070 OTH PERS SVC	\$0.00	\$3,140.89	\$3,140.89	(\$0.00)		(\$0.00)	100.0
	Personal Services Total:	\$732,411.00	\$728,346.90	\$728,346.90	(\$0.00)	\$0.00	(\$0.00)	100.0
0501.000000.000 DIV OF APPELLATE DEF Total:		\$732,411.00	\$728,346.90	\$728,346.90	(\$0.00)	\$0.00	(\$0.00)	100.0
1000.010000.000 CIRC PUB DEF (FY09)	501051 CIRCUIT PUBLIC DEF	\$3,011,040.00	\$3,069,929.71	\$3,069,929.71	(\$0.00)		(\$0.00)	100.0
	501058 CLASSIFIED POS			\$0.00	\$0.00		\$0.00	
	501060 UNCLASS POSITIONS	\$427,552.00	\$392,721.55	\$392,721.55	(\$0.00)		(\$0.00)	100.0
	501070 OTH PERS SVC	\$0.00	\$14,994.16	\$14,994.16	\$0.00		\$0.00	100.0
	Personal Services Total:	\$3,438,592.00	\$3,477,645.42	\$3,477,645.42	(\$0.00)		(\$0.00)	100.0
	512001 OTHER OPERATING	\$192,000.00	\$200,355.20	\$200,355.20	\$0.00	\$0.00	\$0.00	100.0
	Other Operating Expenses Total:	\$192,000.00	\$200,355.20	\$200,355.20	\$0.00	\$0.00	\$0.00	100.0
	518041 AID CNTY-DEF INDG	\$0.00	\$132,378.00	\$132,378.00	\$0.00	\$0.00	\$0.00	100.0
	Distribution to Subdivision Total:	\$0.00	\$132,378.00	\$132,378.00	\$0.00	\$0.00	\$0.00	100.0
1000.010000.000 CIRC PUB DEF (FY09) Total:		\$3,630,592.00	\$3,810,378.62	\$3,810,378.62	(\$0.00)	\$0.00	(\$0.00)	100.0
1000.100000X000 DEF INDIGENTS/PER CP	561000 MISC OPS	\$12,301,049.00	\$12,301,049.00		\$12,301,049.00		\$12,301,049.00	
	Special Items Total:	\$12,301,049.00	\$12,301,049.00		\$12,301,049.00		\$12,301,049.00	
	518041 AID CNTY-DEF INDG			\$12,301,049.00	(\$12,301,049.00)	\$0.00	(\$12,301,049.00)	
	Distribution to Subdivision Total:			\$12,301,049.00	(\$12,301,049.00)	\$0.00	(\$12,301,049.00)	
1000.100000X000 DEF INDIGENTS/PER CP Total:		\$12,301,049.00	\$12,301,049.00	\$12,301,049.00	\$0.00	\$0.00	\$0.00	100.0
1000.150000X000 DUI DEF OF INDIGENTS	561000 MISC OPS	\$976,593.00	\$976,593.00		\$976,593.00		\$976,593.00	
	Special Items Total:	\$976,593.00	\$976,593.00		\$976,593.00		\$976,593.00	
	518041 AID CNTY-DEF INDG			\$976,593.00	(\$976,593.00)	\$0.00	(\$976,593.00)	
	Distribution to Subdivision Total:			\$976,593.00	(\$976,593.00)	\$0.00	(\$976,593.00)	
1000.150000X000 DUI DEF OF INDIGENTS Total:		\$976,593.00	\$976,593.00	\$976,593.00	\$0.00	\$0.00	\$0.00	100.0
1000.160000X000 CRIM DOMESTIC VIOL	561000 MISC OPS	\$1,377,185.00	\$1,377,185.00		\$1,377,185.00		\$1,377,185.00	
	Special Items Total:	\$1,377,185.00	\$1,377,185.00		\$1,377,185.00		\$1,377,185.00	
	518041 AID CNTY-DEF INDG			\$1,377,185.00	(\$1,377,185.00)	\$0.00	(\$1,377,185.00)	
	Distribution to Subdivision Total:			\$1,377,185.00	(\$1,377,185.00)	\$0.00	(\$1,377,185.00)	
1000.160000X000 CRIM DOMESTIC VIOL Total:		\$1,377,185.00	\$1,377,185.00	\$1,377,185.00	\$0.00	\$0.00	\$0.00	100.0
8900.000000X000 STATEWIDE CF APPRO	561000 MISC OPS	\$50,065.31	\$36,524.22		\$36,524.22		\$36,524.22	
	Special Items Total:	\$50,065.31	\$36,524.22		\$36,524.22		\$36,524.22	
8900.000000X000 STATEWIDE CF APPRO Total:		\$50,065.31	\$36,524.22		\$36,524.22		\$36,524.22	
8900.010000X000 STATEWIDE PAY PLAN	561000 MISC OPS	\$0.00	\$0.00		\$0.00		\$0.00	
	Special Items Total:	\$0.00	\$0.00		\$0.00		\$0.00	
8900.010000X000 STATEWIDE PAY PLAN Total:		\$0.00	\$0.00		\$0.00		\$0.00	
9500.050000.000 STATE EMPLOYER CONTR	513000 EMPLOYER CONTRIB	\$2,929,566.00	\$2,904,191.29	\$2,904,191.29	(\$0.00)	\$0.00	(\$0.00)	100.0
	Employer Contributions Total:	\$2,929,566.00	\$2,904,191.29	\$2,904,191.29	(\$0.00)	\$0.00	(\$0.00)	100.0

South Carolina Enterprise Information System

Summary of Expenditures By Funded Program (424)

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Source: FM Budget Vs Actual

E230 COMMISSION ON INDIGENT DEFENSE

9500.050000.000 STATE EMPLOYER CONTR Total:	\$2,929,566.00	\$2,904,191.29	\$2,904,191.29	(\$0.00)	\$0.00	(\$0.00)	100.0
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10000000 GENERAL FUND Total:	\$31,268,402.79	\$31,450,485.59	\$31,413,961.37	\$36,524.22	\$0.00	\$36,524.22	99.9
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30000000 EARMARKED FUNDS

Funded Program - Budget	Budget Act CI Info	Appropriations	Current Budget	YTD Actual Expense	Balance Before Commitments	Commitments and Other Transactions	Remaining Balance	Pct Spent
0100.010000.000 ADMINISTRATION	512001 OTHER OPERATING	\$50,000.00	\$50,000.00		\$50,000.00		\$50,000.00	
	Other Operating Expenses Total:	\$50,000.00	\$50,000.00		\$50,000.00		\$50,000.00	
0100.010000.000 ADMINISTRATION Total:		\$50,000.00	\$50,000.00		\$50,000.00		\$50,000.00	

0100.270000X000 CIVIL COMMIT VOUCHER	512001 OTHER OPERATING			\$324,170.00	(\$324,170.00)	\$0.00	(\$324,170.00)	
	Other Operating Expenses Total:			\$324,170.00	(\$324,170.00)	\$0.00	(\$324,170.00)	
	561000 MISC OPS	\$375,000.00	\$375,000.00		\$375,000.00		\$375,000.00	
	Special Items Total:	\$375,000.00	\$375,000.00		\$375,000.00		\$375,000.00	
0100.270000X000 CIVIL COMMIT VOUCHER Total:		\$375,000.00	\$375,000.00	\$324,170.00	\$50,830.00	\$0.00	\$50,830.00	86.5

0105.200000X000 PROF TRNG & DVLPMNT	561000 MISC OPS	\$220,000.00	\$220,000.00		\$220,000.00		\$220,000.00	
	Special Items Total:	\$220,000.00	\$220,000.00		\$220,000.00		\$220,000.00	
0105.200000X000 PROF TRNG & DVLPMNT Total:		\$220,000.00	\$220,000.00		\$220,000.00		\$220,000.00	

0501.000000.000 DIV OF APPELLATE DEF	512001 OTHER OPERATING	\$302,600.00	\$302,600.00	\$181,427.98	\$121,172.02	\$0.00	\$121,172.02	60.0
	Other Operating Expenses Total:	\$302,600.00	\$302,600.00	\$181,427.98	\$121,172.02	\$0.00	\$121,172.02	60.0
0501.000000.000 DIV OF APPELLATE DEF Total:		\$302,600.00	\$302,600.00	\$181,427.98	\$121,172.02	\$0.00	\$121,172.02	60.0

1000.100000X000 DEF INDIGENTS/PER CP	561000 MISC OPS	\$900,000.00	\$900,000.00		\$900,000.00		\$900,000.00	
	Special Items Total:	\$900,000.00	\$900,000.00		\$900,000.00		\$900,000.00	
	518041 AID CNTY-DEF INDG			\$619,449.07	(\$619,449.07)	\$0.00	(\$619,449.07)	
	Distribution to Subdivision Total:			\$619,449.07	(\$619,449.07)	\$0.00	(\$619,449.07)	
1000.100000X000 DEF INDIGENTS/PER CP Total:		\$900,000.00	\$900,000.00	\$619,449.07	\$280,550.93	\$0.00	\$280,550.93	68.8

30000000 EARMARKED FUNDS Total:		\$1,847,600.00	\$1,847,600.00	\$1,125,047.05	\$722,552.95	\$0.00	\$722,552.95	60.9
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40000000 RESTRICTED FUNDS

Funded Program - Budget	Budget Act CI Info	Appropriations	Current Budget	YTD Actual Expense	Balance Before Commitments	Commitments and Other Transactions	Remaining Balance	Pct Spent
0100.010000.000 ADMINISTRATION	501058 CLASSIFIED POS	\$166,968.00	\$140,205.84	\$140,205.84	(\$0.00)		(\$0.00)	100.0
	501070 OTH PERS SVC	\$0.00	\$1,800.00	\$1,800.00	\$0.00		\$0.00	100.0
	Personal Services Total:	\$166,968.00	\$142,005.84	\$142,005.84	(\$0.00)		(\$0.00)	100.0
	512001 OTHER OPERATING	\$250,000.00	\$236,946.42	\$104,728.73	\$132,217.69	\$0.00	\$132,217.69	44.2
	Other Operating Expenses Total:	\$250,000.00	\$236,946.42	\$104,728.73	\$132,217.69	\$0.00	\$132,217.69	44.2
0100.010000.000 ADMINISTRATION Total:		\$416,968.00	\$378,952.26	\$246,734.57	\$132,217.69	\$0.00	\$132,217.69	65.1

0100.050000X000 DEATH PNLTY TRIAL FD	512001 OTHER OPERATING			\$1,195,141.73	(\$1,195,141.73)	\$0.00	(\$1,195,141.73)	
	Other Operating Expenses Total:			\$1,195,141.73	(\$1,195,141.73)	\$0.00	(\$1,195,141.73)	
	561000 MISC OPS	\$2,406,600.00	\$2,406,600.00		\$2,406,600.00		\$2,406,600.00	
	Special Items Total:	\$2,406,600.00	\$2,406,600.00		\$2,406,600.00		\$2,406,600.00	
0100.050000X000 DEATH PNLTY TRIAL FD Total:		\$2,406,600.00	\$2,406,600.00	\$1,195,141.73	\$1,211,458.27	\$0.00	\$1,211,458.27	49.7

0100.070000X000 CONFLICT FUND	512001 OTHER OPERATING			\$1,186,670.14	(\$1,186,670.14)	\$0.00	(\$1,186,670.14)	
	Other Operating Expenses Total:			\$1,186,670.14	(\$1,186,670.14)	\$0.00	(\$1,186,670.14)	
	561000 MISC OPS	\$2,500,000.00	\$2,500,000.00		\$2,500,000.00		\$2,500,000.00	
	Special Items Total:	\$2,500,000.00	\$2,500,000.00		\$2,500,000.00		\$2,500,000.00	
0100.070000X000 CONFLICT FUND Total:		\$2,500,000.00	\$2,500,000.00	\$1,186,670.14	\$1,313,329.86	\$0.00	\$1,313,329.86	47.5

0100.110000X000 LEGAL AID FUNDING	561000 MISC OPS	\$1,700,000.00	\$1,700,000.00		\$1,700,000.00		\$1,700,000.00	
	Special Items Total:	\$1,700,000.00	\$1,700,000.00		\$1,700,000.00		\$1,700,000.00	
	517075 ALLOC ENTITIES			\$1,254,533.99	(\$1,254,533.99)	\$0.00	(\$1,254,533.99)	
	Distribution to Subdivision Total:			\$1,254,533.99	(\$1,254,533.99)	\$0.00	(\$1,254,533.99)	
0100.110000X000 LEGAL AID FUNDING Total:		\$1,700,000.00	\$1,700,000.00	\$1,254,533.99	\$445,466.01	\$0.00	\$445,466.01	73.8

0100.130000X000 COURT FINE ASSESS	512001 OTHER OPERATING			(\$0.00)	\$0.00	\$0.00	\$0.00	
	Other Operating Expenses Total:			(\$0.00)	\$0.00	\$0.00	\$0.00	
	561000 MISC OPS	\$665,060.00	\$665,060.00		\$665,060.00		\$665,060.00	
	Special Items Total:	\$665,060.00	\$665,060.00		\$665,060.00		\$665,060.00	
	518041 AID CNTY-DEF INDG			\$0.00	\$0.00	\$0.00	\$0.00	
	Distribution to Subdivision Total:			\$0.00	\$0.00	\$0.00	\$0.00	
0100.130000X000 COURT FINE ASSESS Total:		\$665,060.00	\$665,060.00	(\$0.00)	\$665,060.00	\$0.00	\$665,060.00	0.0

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Source: FM Budget Vs Actual

E230 COMMISSION ON INDIGENT DEFENSE

0100.190000X000 RULE 608 APPOINT FUN	512001 OTHER OPERATING			\$0.00	\$0.00	\$0.00	\$0.00	
	Other Operating Expenses Total:			\$0.00	\$0.00	\$0.00	\$0.00	
	561000 MISC OPS							
	Special Items Total:							
0100.190000X000 RULE 608 APPOINT FUN Total:				\$0.00	\$0.00	\$0.00	\$0.00	
0100.270000X000 CIVIL COMMIT VOUCHER	561000 MISC OPS	\$0.00	\$0.00		\$0.00		\$0.00	
	Special Items Total:	\$0.00	\$0.00		\$0.00		\$0.00	
0100.270000X000 CIVIL COMMIT VOUCHER Total:		\$0.00	\$0.00		\$0.00		\$0.00	
0105.200000X000 PROF TRNG & DVLPMNT	512001 OTHER OPERATING			\$13,846.79	(\$13,846.79)	\$0.00	(\$13,846.79)	
	Other Operating Expenses Total:			\$13,846.79	(\$13,846.79)	\$0.00	(\$13,846.79)	
	561000 MISC OPS	\$66,414.00	\$66,414.00		\$66,414.00		\$66,414.00	
	Special Items Total:	\$66,414.00	\$66,414.00		\$66,414.00		\$66,414.00	
0105.200000X000 PROF TRNG & DVLPMNT Total:		\$66,414.00	\$66,414.00	\$13,846.79	\$52,567.21	\$0.00	\$52,567.21	20.9
0501.000000.000 DIV OF APPELLATE DEF	501058 CLASSIFIED POS	\$531,283.00	\$509,303.57	\$509,303.57	(\$0.00)	\$0.00	(\$0.00)	100.0
	501070 OTH PERS SVC	\$0.00	\$13,211.07	\$13,211.07	\$0.00		\$0.00	100.0
	Personal Services Total:	\$531,283.00	\$522,514.64	\$522,514.64	(\$0.00)	\$0.00	(\$0.00)	100.0
	512001 OTHER OPERATING	\$50,000.00	\$50,000.00	\$50,000.00	\$0.00	\$0.00	\$0.00	100.0
	Other Operating Expenses Total:	\$50,000.00	\$50,000.00	\$50,000.00	\$0.00	\$0.00	\$0.00	100.0
0501.000000.000 DIV OF APPELLATE DEF Total:		\$581,283.00	\$572,514.64	\$572,514.64	(\$0.00)	\$0.00	(\$0.00)	100.0
1000.100000X000 DEF INDIGENTS/PER CP	561000 MISC OPS	\$3,273,052.00	\$3,273,052.00		\$3,273,052.00		\$3,273,052.00	
	Special Items Total:	\$3,273,052.00	\$3,273,052.00		\$3,273,052.00		\$3,273,052.00	
	518041 AID CNTY-DEF INDG			\$2,057,610.95	(\$2,057,610.95)	\$0.00	(\$2,057,610.95)	
	Distribution to Subdivision Total:			\$2,057,610.95	(\$2,057,610.95)	\$0.00	(\$2,057,610.95)	
1000.100000X000 DEF INDIGENTS/PER CP Total:		\$3,273,052.00	\$3,273,052.00	\$2,057,610.95	\$1,215,441.05	\$0.00	\$1,215,441.05	62.9
1504.000000.000 DEATH PENALTY DIV	501060 UNCLASS POSITIONS	\$356,400.00	\$327,203.25	\$311,935.60	\$15,267.65		\$15,267.65	95.3
	501070 OTH PERS SVC	\$0.00	\$29,196.75	\$29,196.75	\$0.00		\$0.00	100.0
	Personal Services Total:	\$356,400.00	\$356,400.00	\$341,132.35	\$15,267.65		\$15,267.65	95.7
	512001 OTHER OPERATING	\$115,200.00	\$115,200.00	\$65,653.47	\$49,546.53	\$0.00	\$49,546.53	57.0
	Other Operating Expenses Total:	\$115,200.00	\$115,200.00	\$65,653.47	\$49,546.53	\$0.00	\$49,546.53	57.0
1504.000000.000 DEATH PENALTY DIV Total:		\$471,600.00	\$471,600.00	\$406,785.82	\$64,814.18	\$0.00	\$64,814.18	86.3
9500.050000.000 STATE EMPLOYER CONTR	513000 EMPLOYER CONTRIB	\$368,295.00	\$415,079.10	\$414,400.12	\$678.98	\$0.00	\$678.98	99.8
	Employer Contributions Total:	\$368,295.00	\$415,079.10	\$414,400.12	\$678.98	\$0.00	\$678.98	99.8
9500.050000.000 STATE EMPLOYER CONTR Total:		\$368,295.00	\$415,079.10	\$414,400.12	\$678.98	\$0.00	\$678.98	99.8
40000000 RESTRICTED FUNDS Total:		\$12,449,272.00	\$12,449,272.00	\$7,348,238.75	\$5,101,033.25	\$0.00	\$5,101,033.25	59.0
50000000 FEDERAL FUNDS								
Funded Program - Budget	Budget Act CI Info	Appropriations	Current Budget	YTD Actual Expense	Balance Before Commitments	Commitments and Other Transactions	Remaining Balance	Pct Spent
0100.010000.000 ADMINISTRATION	501070 OTH PERS SVC	\$80,000.00	\$80,000.00	\$43,333.29	\$36,666.71		\$36,666.71	54.2
	Personal Services Total:	\$80,000.00	\$80,000.00	\$43,333.29	\$36,666.71		\$36,666.71	54.2
	512001 OTHER OPERATING	\$7,004.00	\$7,004.00	\$1,562.14	\$5,441.86	\$0.00	\$5,441.86	22.3
	Other Operating Expenses Total:	\$7,004.00	\$7,004.00	\$1,562.14	\$5,441.86	\$0.00	\$5,441.86	22.3
0100.010000.000 ADMINISTRATION Total:		\$87,004.00	\$87,004.00	\$44,895.43	\$42,108.57	\$0.00	\$42,108.57	51.6
9500.050000.000 STATE EMPLOYER CONTR	513000 EMPLOYER CONTRIB	\$34,436.00	\$34,436.00	\$17,023.45	\$17,412.55		\$17,412.55	49.4
	Employer Contributions Total:	\$34,436.00	\$34,436.00	\$17,023.45	\$17,412.55		\$17,412.55	49.4
9500.050000.000 STATE EMPLOYER CONTR Total:		\$34,436.00	\$34,436.00	\$17,023.45	\$17,412.55		\$17,412.55	49.4
50000000 FEDERAL FUNDS Total:		\$121,440.00	\$121,440.00	\$61,918.88	\$59,521.12	\$0.00	\$59,521.12	51.0

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Source: FM Budget Vs Actual

E230 COMMISSION ON INDIGENT DEFENSE

10000000 GENERAL FUND

Funded Program - Budget	Budget Act CI Info	Appropriations	Current Budget	YTD Actual Expense	Balance Before Commitments	Commitments and Other Transactions	Remaining Balance	Pct Spent
0100.010000.000 ADMINISTRATION	501014 EXECUTIVE DIR	\$147,900.00	\$147,900.00	\$73,950.00	\$73,950.00		\$73,950.00	50.0
	501058 CLASSIFIED POS	\$408,975.00	\$408,975.00	\$196,897.92	\$212,077.08		\$212,077.08	48.1
	501070 OTH PERS SVC	\$1,234.00	\$1,234.00	\$4,000.00	(\$2,766.00)		(\$2,766.00)	324.2
	Personal Services Total:	\$558,109.00	\$558,109.00	\$274,847.92	\$283,261.08		\$283,261.08	49.3
	512001 OTHER OPERATING	\$0.00	\$36,524.22		\$36,524.22		\$36,524.22	
	Other Operating Expenses Total:	\$0.00	\$36,524.22		\$36,524.22		\$36,524.22	
0100.010000.000 ADMINISTRATION Total:		\$558,109.00	\$594,633.22	\$274,847.92	\$319,785.30		\$319,785.30	46.2
0100.190000X000 RULE 608 APPOINT FUN	512001 OTHER OPERATING			\$3,639,718.52	(\$3,639,718.52)	\$0.00	(\$3,639,718.52)	
	Other Operating Expenses Total:			\$3,639,718.52	(\$3,639,718.52)	\$0.00	(\$3,639,718.52)	
	561000 MISC OPS	\$10,644,645.82	\$10,644,645.82		\$10,644,645.82		\$10,644,645.82	
	Special Items Total:	\$10,644,645.82	\$10,644,645.82		\$10,644,645.82		\$10,644,645.82	
0100.190000X000 RULE 608 APPOINT FUN Total:		\$10,644,645.82	\$10,644,645.82	\$3,639,718.52	\$7,004,927.30	\$0.00	\$7,004,927.30	34.2
0104.250000X000 INFO TECH SERVICES	512001 OTHER OPERATING			\$69,754.56	(\$69,754.56)	\$0.00	(\$69,754.56)	
	Other Operating Expenses Total:			\$69,754.56	(\$69,754.56)	\$0.00	(\$69,754.56)	
	561000 MISC OPS	\$127,192.00	\$127,192.00		\$127,192.00		\$127,192.00	
	Special Items Total:	\$127,192.00	\$127,192.00		\$127,192.00		\$127,192.00	
	518041 AID CNTY-DEF INDG			\$0.00	\$0.00	\$0.00	\$0.00	
	Distribution to Subdivision Total:			\$0.00	\$0.00	\$0.00	\$0.00	
0104.250000X000 INFO TECH SERVICES Total:		\$127,192.00	\$127,192.00	\$69,754.56	\$57,437.44	\$0.00	\$57,437.44	54.8
0501.000000.000 DIV OF APPELLATE DEF	501058 CLASSIFIED POS	\$756,537.00	\$756,537.00	\$348,477.72	\$408,059.28		\$408,059.28	46.1
	Personal Services Total:	\$756,537.00	\$756,537.00	\$348,477.72	\$408,059.28		\$408,059.28	46.1
0501.000000.000 DIV OF APPELLATE DEF Total:		\$756,537.00	\$756,537.00	\$348,477.72	\$408,059.28		\$408,059.28	46.1
1000.010000.000 CIRC PUB DEF (FY09)	501051 CIRCUIT PUBLIC DEF	\$3,011,040.00	\$3,071,264.00	\$1,535,631.36	\$1,535,632.64		\$1,535,632.64	50.0
	501060 UNCLASS POSITIONS	\$436,104.00	\$436,104.00	\$180,569.94	\$255,534.06		\$255,534.06	41.4
	501070 OTH PERS SVC			\$2,276.79	(\$2,276.79)		(\$2,276.79)	
	Personal Services Total:	\$3,447,144.00	\$3,507,368.00	\$1,718,478.09	\$1,788,889.91		\$1,788,889.91	49.0
	512001 OTHER OPERATING	\$192,000.00	\$192,000.00	\$96,000.00	\$96,000.00		\$96,000.00	50.0
	Other Operating Expenses Total:	\$192,000.00	\$192,000.00	\$96,000.00	\$96,000.00		\$96,000.00	50.0
1000.010000.000 CIRC PUB DEF (FY09) Total:		\$3,639,144.00	\$3,699,368.00	\$1,814,478.09	\$1,884,889.91		\$1,884,889.91	49.1
1000.100000X000 DEF INDIGENTS/PER CP	561000 MISC OPS	\$12,301,049.00	\$12,301,049.00		\$12,301,049.00		\$12,301,049.00	
	Special Items Total:	\$12,301,049.00	\$12,301,049.00		\$12,301,049.00		\$12,301,049.00	
	518041 AID CNTY-DEF INDG			\$6,150,524.50	(\$6,150,524.50)	\$0.00	(\$6,150,524.50)	
	Distribution to Subdivision Total:			\$6,150,524.50	(\$6,150,524.50)	\$0.00	(\$6,150,524.50)	
1000.100000X000 DEF INDIGENTS/PER CP Total:		\$12,301,049.00	\$12,301,049.00	\$6,150,524.50	\$6,150,524.50	\$0.00	\$6,150,524.50	50.0
1000.150000X000 DUI DEF OF INDIGENTS	561000 MISC OPS	\$976,593.00	\$976,593.00		\$976,593.00		\$976,593.00	
	Special Items Total:	\$976,593.00	\$976,593.00		\$976,593.00		\$976,593.00	
	518041 AID CNTY-DEF INDG			\$488,296.50	(\$488,296.50)	\$0.00	(\$488,296.50)	
	Distribution to Subdivision Total:			\$488,296.50	(\$488,296.50)	\$0.00	(\$488,296.50)	
1000.150000X000 DUI DEF OF INDIGENTS Total:		\$976,593.00	\$976,593.00	\$488,296.50	\$488,296.50	\$0.00	\$488,296.50	50.0
1000.160000X000 CRIM DOMESTIC VIOL	561000 MISC OPS	\$1,377,185.00	\$1,377,185.00		\$1,377,185.00		\$1,377,185.00	
	Special Items Total:	\$1,377,185.00	\$1,377,185.00		\$1,377,185.00		\$1,377,185.00	
	518041 AID CNTY-DEF INDG			\$688,592.50	(\$688,592.50)	\$0.00	(\$688,592.50)	
	Distribution to Subdivision Total:			\$688,592.50	(\$688,592.50)	\$0.00	(\$688,592.50)	
1000.160000X000 CRIM DOMESTIC VIOL Total:		\$1,377,185.00	\$1,377,185.00	\$688,592.50	\$688,592.50	\$0.00	\$688,592.50	50.0
1004.000000.000 CIRC PUB DEF (FY08)	501051 CIRCUIT PUBLIC DEF	\$60,224.00	\$0.00		\$0.00		\$0.00	
	Personal Services Total:	\$60,224.00	\$0.00		\$0.00		\$0.00	
1004.000000.000 CIRC PUB DEF (FY08) Total:		\$60,224.00	\$0.00		\$0.00		\$0.00	
8900.000000X000 STATEWIDE CF APPRO	561000 MISC OPS	\$36,524.22	\$0.00		\$0.00		\$0.00	
	Special Items Total:	\$36,524.22	\$0.00		\$0.00		\$0.00	
8900.000000X000 STATEWIDE CF APPRO Total:		\$36,524.22	\$0.00		\$0.00		\$0.00	
9500.050000.000 STATE EMPLOYER CONTR	513000 EMPLOYER CONTRIB	\$2,988,754.00	\$2,988,754.00	\$2,374,288.14	\$614,465.86	\$0.00	\$614,465.86	79.4
	Employer Contributions Total:	\$2,988,754.00	\$2,988,754.00	\$2,374,288.14	\$614,465.86	\$0.00	\$614,465.86	79.4
9500.050000.000 STATE EMPLOYER CONTR Total:		\$2,988,754.00	\$2,988,754.00	\$2,374,288.14	\$614,465.86	\$0.00	\$614,465.86	79.4

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10000000 GENERAL FUND Total:	\$33,465,957.04	\$33,465,957.04	\$15,848,978.45	\$17,616,978.59	\$0.00	\$17,616,978.59	47.4
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30000000 EARMARKED FUNDS

Funded Program - Budget	Budget Act CI Info	Appropriations	Current Budget	YTD Actual Expense	Balance Before Commitments	Commitments and Other Transactions	Remaining Balance	Pct Spent
0100.010000.000 ADMINISTRATION	512001 OTHER OPERATING	\$50,000.00	\$50,458.00		\$50,458.00		\$50,458.00	
	Other Operating Expenses Total:	\$50,000.00	\$50,458.00		\$50,458.00		\$50,458.00	
0100.010000.000 ADMINISTRATION Total:		\$50,000.00	\$50,458.00		\$50,458.00		\$50,458.00	

0100.190000X000 RULE 608 APPOINT FUN	561000 MISC OPS	\$900,000.00	\$900,000.00		\$900,000.00		\$900,000.00	
	Special Items Total:	\$900,000.00	\$900,000.00		\$900,000.00		\$900,000.00	
0100.190000X000 RULE 608 APPOINT FUN Total:		\$900,000.00	\$900,000.00		\$900,000.00		\$900,000.00	

0100.270000X000 CIVIL COMMIT VOUCHER	512001 OTHER OPERATING			\$150,930.00	(\$150,930.00)	\$0.00	(\$150,930.00)	
	Other Operating Expenses Total:			\$150,930.00	(\$150,930.00)	\$0.00	(\$150,930.00)	
	561000 MISC OPS	\$375,000.00	\$375,000.00		\$375,000.00		\$375,000.00	
	Special Items Total:	\$375,000.00	\$375,000.00		\$375,000.00		\$375,000.00	
0100.270000X000 CIVIL COMMIT VOUCHER Total:		\$375,000.00	\$375,000.00	\$150,930.00	\$224,070.00	\$0.00	\$224,070.00	40.3

0105.200000X000 PROF TRNG & DVLPMT	561000 MISC OPS	\$220,000.00	\$220,000.00		\$220,000.00		\$220,000.00	
	Special Items Total:	\$220,000.00	\$220,000.00		\$220,000.00		\$220,000.00	
0105.200000X000 PROF TRNG & DVLPMT Total:		\$220,000.00	\$220,000.00		\$220,000.00		\$220,000.00	

0501.000000.000 DIV OF APPELLATE DEF	512001 OTHER OPERATING	\$302,600.00	\$302,142.00	\$56,321.78	\$245,820.22	\$0.00	\$245,820.22	18.6
	Other Operating Expenses Total:	\$302,600.00	\$302,142.00	\$56,321.78	\$245,820.22	\$0.00	\$245,820.22	18.6
0501.000000.000 DIV OF APPELLATE DEF Total:		\$302,600.00	\$302,142.00	\$56,321.78	\$245,820.22	\$0.00	\$245,820.22	18.6

1000.100000X000 DEF INDIGENTS/PER CP	561000 MISC OPS	\$900,000.00	\$900,000.00		\$900,000.00		\$900,000.00	
	Special Items Total:	\$900,000.00	\$900,000.00		\$900,000.00		\$900,000.00	
	518041 AID CNTY-DEF INDG			\$139,606.65	(\$139,606.65)	\$0.00	(\$139,606.65)	
	Distribution to Subdivision Total:			\$139,606.65	(\$139,606.65)	\$0.00	(\$139,606.65)	
1000.100000X000 DEF INDIGENTS/PER CP Total:		\$900,000.00	\$900,000.00	\$139,606.65	\$760,393.35	\$0.00	\$760,393.35	15.5

30000000 EARMARKED FUNDS Total:	\$2,747,600.00	\$2,747,600.00	\$346,858.43	\$2,400,741.57	\$0.00	\$2,400,741.57	12.6
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40000000 RESTRICTED FUNDS

Funded Program - Budget	Budget Act CI Info	Appropriations	Current Budget	YTD Actual Expense	Balance Before Commitments	Commitments and Other Transactions	Remaining Balance	Pct Spent
0100.010000.000 ADMINISTRATION	501058 CLASSIFIED POS	\$166,968.00	\$166,968.00	\$63,176.92	\$103,791.08		\$103,791.08	37.8
	501070 OTH PERS SVC			\$380.13	(\$380.13)		(\$380.13)	
	Personal Services Total:	\$166,968.00	\$166,968.00	\$63,557.05	\$103,410.95		\$103,410.95	38.1
	512001 OTHER OPERATING	\$250,000.00	\$250,000.00	\$62,457.89	\$187,542.11	\$0.00	\$187,542.11	25.0
	Other Operating Expenses Total:	\$250,000.00	\$250,000.00	\$62,457.89	\$187,542.11	\$0.00	\$187,542.11	25.0
0100.010000.000 ADMINISTRATION Total:		\$416,968.00	\$416,968.00	\$126,014.94	\$290,953.06	\$0.00	\$290,953.06	30.2

0100.050000X000 DEATH PNLTy TRIAL FD	512001 OTHER OPERATING			\$216,755.69	(\$216,755.69)	\$0.00	(\$216,755.69)	
	Other Operating Expenses Total:			\$216,755.69	(\$216,755.69)	\$0.00	(\$216,755.69)	
	561000 MISC OPS	\$2,406,600.00	\$2,406,600.00		\$2,406,600.00		\$2,406,600.00	
	Special Items Total:	\$2,406,600.00	\$2,406,600.00		\$2,406,600.00		\$2,406,600.00	
0100.050000X000 DEATH PNLTy TRIAL FD Total:		\$2,406,600.00	\$2,406,600.00	\$216,755.69	\$2,189,844.31	\$0.00	\$2,189,844.31	9.0

0100.070000X000 CONFLICT FUND	512001 OTHER OPERATING			\$475,067.15	(\$475,067.15)	\$0.00	(\$475,067.15)	
	Other Operating Expenses Total:			\$475,067.15	(\$475,067.15)	\$0.00	(\$475,067.15)	
	561000 MISC OPS	\$2,500,000.00	\$2,500,000.00		\$2,500,000.00		\$2,500,000.00	
	Special Items Total:	\$2,500,000.00	\$2,500,000.00		\$2,500,000.00		\$2,500,000.00	
	518041 AID CNTY-DEF INDG			\$500,000.00	(\$500,000.00)	\$0.00	(\$500,000.00)	
	Distribution to Subdivision Total:			\$500,000.00	(\$500,000.00)	\$0.00	(\$500,000.00)	
0100.070000X000 CONFLICT FUND Total:		\$2,500,000.00	\$2,500,000.00	\$975,067.15	\$1,524,932.85	\$0.00	\$1,524,932.85	39.0

0100.110000X000 LEGAL AID FUNDING	561000 MISC OPS	\$1,700,000.00	\$1,700,000.00		\$1,700,000.00		\$1,700,000.00	
	Special Items Total:	\$1,700,000.00	\$1,700,000.00		\$1,700,000.00		\$1,700,000.00	
0100.110000X000 LEGAL AID FUNDING Total:		\$1,700,000.00	\$1,700,000.00		\$1,700,000.00		\$1,700,000.00	

0100.130000X000 COURT FINE ASSESS	512001 OTHER OPERATING			\$13,484.00	(\$13,484.00)	\$0.00	(\$13,484.00)	
	Other Operating Expenses Total:			\$13,484.00	(\$13,484.00)	\$0.00	(\$13,484.00)	
	561000 MISC OPS	\$665,060.00	\$665,060.00		\$665,060.00		\$665,060.00	
	Special Items Total:	\$665,060.00	\$665,060.00		\$665,060.00		\$665,060.00	
	518041 AID CNTY-DEF INDG			\$51,940.00	(\$51,940.00)	\$0.00	(\$51,940.00)	

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Source: FM Budget Vs Actual

E230 COMMISSION ON INDIGENT DEFENSE

	Distribution to Subdivision Total:			\$51,940.00	(\$51,940.00)	\$0.00	(\$51,940.00)	
0100.130000X000 COURT FINE ASSESS Total:		\$665,060.00	\$665,060.00	\$65,424.00	\$599,636.00	\$0.00	\$599,636.00	9.8
0100.270000X000 CIVIL COMMIT VOUCHER	561000 MISC OPS	\$0.00	\$0.00		\$0.00		\$0.00	
	Special Items Total:	\$0.00	\$0.00		\$0.00		\$0.00	
0100.270000X000 CIVIL COMMIT VOUCHER Total:		\$0.00	\$0.00		\$0.00		\$0.00	
0105.200000X000 PROF TRNG & DVLPMNT	512001 OTHER OPERATING			\$329.34	(\$329.34)	\$0.00	(\$329.34)	
	Other Operating Expenses Total:			\$329.34	(\$329.34)	\$0.00	(\$329.34)	
	561000 MISC OPS	\$66,414.00	\$66,414.00		\$66,414.00		\$66,414.00	
	Special Items Total:	\$66,414.00	\$66,414.00		\$66,414.00		\$66,414.00	
0105.200000X000 PROF TRNG & DVLPMNT Total:		\$66,414.00	\$66,414.00	\$329.34	\$66,084.66	\$0.00	\$66,084.66	0.5
0501.000000.000 DIV OF APPELLATE DEF	501058 CLASSIFIED POS	\$531,283.00	\$531,283.00	\$290,609.16	\$240,673.84		\$240,673.84	54.7
	501070 OTH PERS SVC			\$1,000.00	(\$1,000.00)		(\$1,000.00)	
	Personal Services Total:	\$531,283.00	\$531,283.00	\$291,609.16	\$239,673.84		\$239,673.84	54.9
	512001 OTHER OPERATING	\$50,000.00	\$50,000.00	\$50,000.00	\$0.00	\$0.00	\$0.00	100.0
	Other Operating Expenses Total:	\$50,000.00	\$50,000.00	\$50,000.00	\$0.00	\$0.00	\$0.00	100.0
0501.000000.000 DIV OF APPELLATE DEF Total:		\$581,283.00	\$581,283.00	\$341,609.16	\$239,673.84	\$0.00	\$239,673.84	58.8
1000.100000X000 DEF INDIGENTS/PER CP	561000 MISC OPS	\$3,273,052.00	\$3,273,052.00		\$3,273,052.00		\$3,273,052.00	
	Special Items Total:	\$3,273,052.00	\$3,273,052.00		\$3,273,052.00		\$3,273,052.00	
	518041 AID CNTY-DEF INDG			\$497,581.86	(\$497,581.86)	\$0.00	(\$497,581.86)	
	Distribution to Subdivision Total:			\$497,581.86	(\$497,581.86)	\$0.00	(\$497,581.86)	
1000.100000X000 DEF INDIGENTS/PER CP Total:		\$3,273,052.00	\$3,273,052.00	\$497,581.86	\$2,775,470.14	\$0.00	\$2,775,470.14	15.2
1504.000000.000 DEATH PENALTY DIV	501060 UNCLASS POSITIONS	\$356,400.00	\$356,400.00	\$157,234.44	\$199,165.56		\$199,165.56	44.1
	501070 OTH PERS SVC			\$10,147.63	(\$10,147.63)		(\$10,147.63)	
	Personal Services Total:	\$356,400.00	\$356,400.00	\$167,382.07	\$189,017.93		\$189,017.93	47.0
	512001 OTHER OPERATING	\$115,200.00	\$115,200.00	\$32,304.28	\$82,895.72	\$75.33	\$82,820.39	28.0
	Other Operating Expenses Total:	\$115,200.00	\$115,200.00	\$32,304.28	\$82,895.72	\$75.33	\$82,820.39	28.0
1504.000000.000 DEATH PENALTY DIV Total:		\$471,600.00	\$471,600.00	\$199,686.35	\$271,913.65	\$75.33	\$271,838.32	42.3
9500.050000.000 STATE EMPLOYER CONTR	513000 EMPLOYER CONTRIB	\$368,295.00	\$368,295.00	\$216,437.21	\$151,857.79	\$0.00	\$151,857.79	58.8
	Employer Contributions Total:	\$368,295.00	\$368,295.00	\$216,437.21	\$151,857.79	\$0.00	\$151,857.79	58.8
9500.050000.000 STATE EMPLOYER CONTR Total:		\$368,295.00	\$368,295.00	\$216,437.21	\$151,857.79	\$0.00	\$151,857.79	58.8
40000000 RESTRICTED FUNDS Total:		\$12,449,272.00	\$12,449,272.00	\$2,638,905.70	\$9,810,366.30	\$75.33	\$9,810,290.97	21.2
50000000 FEDERAL FUNDS								
Funded Program - Budget	Budget Act CI Info	Appropriations	Current Budget	YTD Actual Expense	Balance Before Commitments	Commitments and Other Transactions	Remaining Balance	Pct Spent
0100.010000.000 ADMINISTRATION	501070 OTH PERS SVC	\$80,000.00	\$80,000.00	\$39,999.96	\$40,000.04		\$40,000.04	50.0
	Personal Services Total:	\$80,000.00	\$80,000.00	\$39,999.96	\$40,000.04		\$40,000.04	50.0
	512001 OTHER OPERATING	\$57,498.00	\$57,498.00	\$51,413.82	\$6,084.18	\$0.00	\$6,084.18	89.4
	Other Operating Expenses Total:	\$57,498.00	\$57,498.00	\$51,413.82	\$6,084.18	\$0.00	\$6,084.18	89.4
0100.010000.000 ADMINISTRATION Total:		\$137,498.00	\$137,498.00	\$91,413.78	\$46,084.22	\$0.00	\$46,084.22	66.5
9500.050000.000 STATE EMPLOYER CONTR	513000 EMPLOYER CONTRIB	\$34,436.00	\$34,436.00	\$15,419.74	\$19,016.26		\$19,016.26	44.8
	Employer Contributions Total:	\$34,436.00	\$34,436.00	\$15,419.74	\$19,016.26		\$19,016.26	44.8
9500.050000.000 STATE EMPLOYER CONTR Total:		\$34,436.00	\$34,436.00	\$15,419.74	\$19,016.26		\$19,016.26	44.8
50000000 FEDERAL FUNDS Total:		\$171,934.00	\$171,934.00	\$106,833.52	\$65,100.48	\$0.00	\$65,100.48	62.1

**SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE
FY 2019-20 CARRY FORWARD INFORMATION**

Agency Code	Agency Name (or Acronym)	Fund Number	Fund Title	FY 2019-20 Year End Cash Carry-Forward Balance	Projected Cash Carry-Forward Balance as of 6/30/2021	Carry-Forward Authority	Explanation of Carry forward balance
E230	COMMISSION ON INDIGENT DEFENSE	10010000	608 APPOINTMENTS	\$1,529,272	\$3,395,786	Proviso 61.4 and 61.5 FY19-20 Appropriations Act	Funds from this revenue source are required by law to be used only for the payment of court ordered attorney's fees for the 608 Appointments. On March 6, 2020 SCCID projected a shortfall in the 608 Appointments line of more than \$600,000 for FY19-20. With the COVID-19 virus and the closure of the courts, that shortfall never materialized. When the backlog of cases begin to move forward in the courts, SCCID believes that this projected carryforward from FY21 will be expended.
E230	COMMISSION ON INDIGENT DEFENSE	10010000	10% CARRY FORWARD	\$36,524	\$0	Proviso 117.23 FY19-20 State Appropriations Act	
E230	COMMISSION ON INDIGENT DEFENSE	30350000	OPERATING REVENUE	\$496,666	\$538,692	Code Sections 17-22-350 (B)6 & 17-22-350 (C) 6	Funds from this revenue source are used for the Training and Professional Development program and Other Operating Expenses for the Division of Appellate Defense within SCCID.
E230	COMMISSION ON INDIGENT DEFENSE	43100000	DEFENSE OF INDIGENTS-CIVIL ACTION	\$90,898	\$102,901	Proviso 61.7 FY19-20 Appropriations Act	Funds from this revenue source are used for the Training and Professional Development program of SCCID.
E230	COMMISSION ON INDIGENT DEFENSE	43130000	INDIGENT DEF	\$4,091,087	\$3,580,741	Proviso 61.1 FY19-20 Appropriations Act	Programs funded from this revenue source include death penalty trial fund, criminal conflict fund, defense of indigents per capita and part of the agency's personal service/fringe and all of it's operating expenses. As the cost of Rule 608 contract program increased, the Commission attempted to maintain a carry-forward balance to cover anticipated shortfall in appropriated funding. Since 2010, the agency has seen a \$4.2 million or (33%) decrease in fee and fine revenue. In FY21 alone, SCCID projects that the loss in revenue could be as high as \$1 million. Due to the continued decline in revenue collections, SCCID felt it prudent to ensure there are carry-forward funds for FY22 to maintain agency operations that are significantly funded by fees and fines.
TOTAL				\$6,244,446	\$7,618,121	\$3,456,460	Actual Carryforward ***

- 1001** These funds were appropriated for the Rule 608 Appointment in the FY18-19 Appropriations Act H.3720 Section 61
- 1001** Proviso 117.23 of the FY19-20 Appropriations Act allows agencies to carry forward up to 10% of original appropriations reduced by special carryforwards.
- 3035** These funds are generated by the Magistrate and Municipal Traffic Education Application Fee, SCCID gets 10.97% and 11.02% of the amount collected by the State Treasurers office
- 4310** These funds are generated by the Civil Application Fee (\$40)
- 4313** This Fund is comprised of Revenue from the **Probation Fee (\$500) Proviso 61.1; Legal Aid Revenue Pass Thru Proviso 61.8; Court Fine Assessments (Sec 14-2-218, Sect.14-1-206(C)(6) , 14-1-207(C)(5) & 14-1-208(C)(5)); General Session/Family Court, Magistrate Court and Municipal Court Assessments (Sect. 14-1-206(C)(4), Sect. 14-1-207(C)(6), Sect. 14-1-208(C)(6)) Criminal Application Fee (\$40) (17-3-30(B)) Proviso 61.1;**

*** **Of the \$3,580,741 projected carryforward amount, a projected \$765,874 will be automatically be redistributed back into the three funding lines 50% to Death Penalty, 35% to Public Defenders and 15% into the Conflict Funds for the use as operating funds to allow the payments in the first quarter of each year.**

FY 21-22 Prioritized Budget Request Summary												
Commission on Indigent Defense												
BUDGET REQUESTS				FUNDING					FTEs			
Priority	Request Type (recurring, non-recurring, capital)	Request Title	Brief Description	General - Recurring	General - Nonrecurring	Other	Federal	Total	State	Other	Federal	Total
1	Recurring	Salary Equalization for the Circuit Public Defender Administrative Assistants	Funding Request to bring the salaries of the Circuit Public Defender Administrative Assistants in line with their counter parts in the Circuit Solicitor Offices. Currently the salaries of the Administrative Assistants are approximately \$10,000 (per position) less than the Solicitor's Administrative Assistants. Due to the low salary, SCCID experiences a 50% turnover rate in these positions.	253,714				253,714				0.00
2	Recurring or <i>Non-recurring for (FY21-22) *</i>	Court Reporter Transcript Funding	Funding for the cost of trial transcripts required for cases on appeal. (SEE NOTE BELOW)	500,000				500,000				0.00
3	Recurring	Criminal Justice System Workload Parity	The recurring funding request of \$7,800,000 is to increase the number public defenders, support staff, investigators and other personnel necessary to effectively and efficiently move the criminal dockets in all 16 Judicial Circuits. (Catch-Up)	7,800,000				7,800,000				0.00
4	Recurring	Caseload (Workload) Equalization	This request of \$5,280,000 is to mirror the \$6.6 million requested by the Prosecution Coordination Commission, in order to maintain some semblance of parity between the Circuit Public Defenders Offices and the Circuit Solicitors Offices. (Keep-Up)	5,280,000				5,280,000				0.00
5	Recurring	Increase Agency State Funded FTE's	FTE increase to being the FTE in line with the funding source.					0	1.00			1.00
6	Recurring	Title IV (E) Funding Authorization	Authorization based upon a MOU between SCCID and SC DSS to enhance the services provided to individuals involved in the Abuse & Neglect and Termination of Parental Rights cases.			1,000,000		1,000,000				0.00
7	Recurring	Federal Funds Authorization for OJJDP Grant	Federal funds authorization for the third year a of a three year grant from the Department of Justice.				121,477	121,477				0.00
8								0				0.00
9								0				0.00
TOTAL BUDGET REQUESTS				\$ 13,833,714	\$ -	\$ 1,000,000	\$ 121,477	\$ 14,955,191	1.00	0.00	0.00	1.00

* SCCID is aware that there are limited recurring resources for the FY21-22 budget year. SCCID is asking for recurring appropriations to fund Court Reporter Transcripts. However, if there are not sufficient recurring funds to meet our request, SCCID asks that the committee consider funding our request with one time non-recurring appropriations. This would allow the agency to fund this request for one year in hopes that the state revenue (recurring funds) collections stabilize from the COVID-19 impact and allow SCCID to make a request for recurring appropriation in the following fiscal year. The payment of these transcripts has been from fee and fine revenue, which has decreased by over 3 million dollars since 2010. The agency is projected to lose approximately 2 million dollars in fee and fine collections since the COVID-19 crisis began.

Agency Name:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61



Fiscal Year FY 2021-2022

Agency Budget Plan

FORM A - BUDGET PLAN SUMMARY

OPERATING REQUESTS (FORM B1)	For FY 2021-2022, my agency is (mark "X"):	
	☒	Requesting General Fund Appropriations.
	☒	Requesting Federal/Other Authorization.
	☐	Not requesting any changes.
NON-RECURRING REQUESTS (FORM B2)	For FY 2021-2022, my agency is (mark "X"):	
	☐	Requesting Non-Recurring Appropriations.
	☐	Requesting Non-Recurring Federal/Other Authorization.
	☒	Not requesting any changes.
CAPITAL REQUESTS (FORM C)	For FY 2021-2022, my agency is (mark "X"):	
	☐	Requesting funding for Capital Projects.
	☒	Not requesting any changes.
	☐	
PROVISOS (FORM D)	For FY 2021-2022, my agency is (mark "X"):	
	☒	Requesting a new proviso and/or substantive changes to existing provisos.
	☐	Only requesting technical proviso changes (such as date references).
	☐	Not requesting any proviso changes.

Please identify your agency's preferred contacts for this year's budget process.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	Rodney Grizzle	(803) 734-1168	rgrizzle@sccid.sc.gov
SECONDARY CONTACT:	Donna Bridges	(803) 734-1451	dbridges@sccid.sc.gov

I have reviewed and approved the enclosed FY 2021-2022 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

	<u>Agency Director</u>	<u>Board or Commission Chair</u>
SIGN/DATE:		
TYPE/PRINT NAME:	J. Hugh Ryan, III	John S. Nichols

This form must be signed by the agency head – not a delegate.

Agency Name:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	1
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Salary Equalization for the Circuit Public Defender Administrative Assistants
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$253,714 Federal: \$0 Other: \$0 Total: \$253,714
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What is the net change in requested appropriations for FY 2021-2022? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	0.00
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Please provide the total number of new positions needed for this request.

FACTORS ASSOCIATED WITH THE REQUEST	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
		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
X	Government and Citizens	

ACCOUNTABILITY OF FUNDS	This funding request is based upon the Strategy 1.1 Enhance the Circuit Public Defender System. The recurring funding request of \$253,714 is to increase the salaries of the 16 Circuit Public Defender Administrative Assistants to bring their salaries to the level of the Circuit Solicitor Administrative Assistants.
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What specific strategy, as outlined in the most recent 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	The 16 Circuit Public Defender Administrative Assistants.
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FUNDS

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?

**JUSTIFICATION OF
REQUEST**

During the 2018 Legislative Oversight review of SCCID, it was discovered that the Public Defender Administrative Assistant make \$10,000 less than the Circuit Solicitor's Administrative Assistants for similar work requirements. At the time that the Circuit Public Defender system was established, the positions of the Circuit Public Defender and their Administrative Assistants were supposed to have been appropriated the same salary as the Circuit Solicitor and their Administrative Assistants. It was discovered that this was not the case for the Public Defender Administrative Assistants. SCCID has experienced a 50% annual turnover rate for Circuit AA positions over the past several years, largely due to the low salary. This funding request is to increase the salary of each of the 16 Circuit Administrative Assistants from \$27,257 to \$39,228 to match the salary of the Circuit Solicitor Administrative Assistant and reduce turnover.

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:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

FORM B1 – RECURRING OPERATING REQUEST

AGENCY
PRIORITY

2

Provide the Agency Priority Ranking from the Executive Summary.

TITLE

Criminal Justice System Workload Parity

Provide a brief, descriptive title for this request.

AMOUNT

General: \$7,800,000

Federal: \$0

Other: \$0

Total: \$7,800,000

What is the net change in requested appropriations for FY 2021-2022? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS

0.00

Please provide the total number of new positions needed for this request.

FACTORS
ASSOCIATED
WITH THE
REQUEST

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

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:

X

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

This funding request is based upon the Strategy 1.1 Enhance the Circuit Public Defender System. The recurring funding request of \$7,800,000 is to increase the number Public Defenders, Support Staff, Investigators and other personnel necessary to effectively and efficiently move the criminal dockets in all 16 Judicial Circuits.

What specific strategy, as outlined in the most recent 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

The 16 Circuit Public Defender Offices. These funds will be allocated on a pro-rata and per-capita basis as out lined in the new proviso request 61.cjswp (New)

FUNDS

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?

**JUSTIFICATION OF
REQUEST**

In budget years subsequent to the creation of the Statewide Public Defender System (created in 2007), the Public Defenders have been unable to reach caseload parity with prosecutors as envisioned by Act 108. Public Defenders currently have a workload of approximately 422 warrants (per Public Defender), significantly higher than their prosecutor counterparts. To reduce this disparity significant funding is necessary to hire additional attorneys, support staff, investigators, etc. These additional resources will benefit not only public defender's clients, but the entire criminal justice system through more efficient movement of the criminal docket, lowering jail costs to the counties, providing victims a quicker resolution of their case and defendants with quality representation as mandated by the 6th Amendment of the U.S. Constitution. For the year end FY1819, Solicitors Offices total funding, as reported in accordance with Proviso 117.106, was \$93,911,552.68 versus \$39,109,133.95 for the Public Defender Offices

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:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	3
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Caseload (Workload) Equalization
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$5,280,000 Federal: \$0 Other: \$0 Total: \$5,280,000
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What is the net change in requested appropriations for FY 2021-2022? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	0.00
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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
	X	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
	X	Government and Citizens

ACCOUNTABILITY OF FUNDS	This funding request is based upon the Strategy 1.1 Enhance the Circuit Public Defender System. This request of \$5,280,000 would benefit the agency’s primary goal of ensuring the effective legal representation of South Carolina citizens eligible for Indigent Defense Services and support the efficient functioning of the entire criminal justice system by allowing the Circuit Public Defender Offices to obtain additional attorneys to address the ever-increasing caseloads. Since FY2015-16 the Circuit Public Defender Offices have seen a 11.21% increase in warrants handled by their offices.
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What specific strategy, as outlined in the most recent 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	The funds requested would be disbursed to the 16 Circuit Public Defender Offices throughout the State. The current process of distribution of these type funds is on a per capita basis using the most current Census figures. The current census is from
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FUNDS

2010.

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?

**JUSTIFICATION OF
REQUEST**

Through discussions with the Prosecution Coordination Commission, it is this agency's understanding they will request approximately \$6.6 million as part of their Caseload Equalization Plan. In order to maintain some semblance of parity with the Circuit Solicitors' Offices and their request for Caseload Equalization funding, SCCID is requesting \$5,280,000 in new recurring funds for the Circuit Public Defender Offices. As noted, the number of warrants handled by the Public Defender Offices has increased from 108,247 (FY15-16) to 120,384 (FY19-20) marking an 11.21% increase. The average number of warrants per Public Defender has risen to approximately 422. For the year end FY18-19, Solicitors Offices total funding, as reported in accordance with Proviso 117.106, was \$93,911,553 versus \$39,109,134 for the Public Defender Offices

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:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY

4

Provide the Agency Priority Ranking from the Executive Summary.

TITLE

Court Report Transcript Funding

Provide a brief, descriptive title for this request.

AMOUNT

General: \$500,000

Federal: \$0

Other: \$0

Total: \$500,000

What is the net change in requested appropriations for FY 2021-2022? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS

0.00

Please provide the total number of new positions needed for this request.

FACTORS ASSOCIATED WITH THE REQUEST

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

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:

X

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

This funding request is based upon the Strategy 1.2 Maintain the Appellate Defense System. The recurring funding request of \$500,000 covers the rising costs of transcripts that are required as part of each appeal case handled by the Division of Appellate Defense. Court Reporter rates have increased from \$3.25 per page to \$4.25 per page for an original transcript and from \$.75 per page to \$1.00 per page for a copy.

What specific strategy, as outlined in the most recent 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

These funds are used to pay the Court Reporters for the cost of the official transcripts of the criminal proceedings that are being appealed. The cost of transcripts has risen to \$4.25 per page for an original transcript and \$1.00 per page for a copy of the

FUNDS

transcript.

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?

**JUSTIFICATION OF
REQUEST**

The Appellate Division of the South Carolina Commission on Indigent Defense handles over 90% of all criminal appeal cases in the SC Court of Appeals and SC Supreme Court. As part of the appeal process, SCCID is required to obtain an original copy of the court transcript from the court reporter assigned to that case. The cost of each transcript has risen to \$4.25 per page for an original and \$1.00 per page for a copy. Since FY12 SCCID has averaged spending \$358,751 per year on transcripts. The agency saw an \$87,005 increase in transcript cost from FY19 to FY20 with a total cost of \$434,533.84 in transcript expenses.

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:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	5
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Increase Agency State Funded FTE's
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$0 Federal: \$0 Other: \$0 Total: \$0
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What is the net change in requested appropriations for FY 2021-2022? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	1.00
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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	This request is based upon the Strategy 1.2 Maintain the Appellate Defense System. SCCID is requesting 1.00 new State Funded FTE. The agency is not asking for any funds as the agency has sufficient funding to cover the 1.00 increase in the agency FTE authorized total.
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What specific strategy, as outlined in the most recent 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	There is no request for funding, the new 1.00 FTE will be for the Division of Appellate Defense.
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FUNDS

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?

**JUSTIFICATION OF
REQUEST**

SCCID is requesting this new 1.00 State Funded FTE in order to bring the agency's authorized FTE headcount more in line with the funding available for the agency.

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:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

FORM B1 – RECURRING OPERATING REQUEST

AGENCY
PRIORITY

6

Provide the Agency Priority Ranking from the Executive Summary.

TITLE

Title IV (E) Funding Authorization

Provide a brief, descriptive title for this request.

AMOUNT

General: \$0

Federal: \$0

Other: \$1,000,000

Total: \$1,000,000

What is the net change in requested appropriations for FY 2021-2022? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS

0.00

Please provide the total number of new positions needed for this request.

FACTORS
ASSOCIATED
WITH THE
REQUEST

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

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:

X

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

This funding request is based upon the Strategy 1.1 Enhance the Circuit Public Defender System. The Other Funds Authorization request will allow SCCID to use funds provided by DSS through a Memorandum of Understanding to enhance the civil court appointment process by including additional professional services, training for attorneys, earlier appointment of counsel and other resources to increase the quality of representation.

What specific strategy, as outlined in the most recent 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

The funds provided through the MOU between SCCID and DSS would be used to procure professional services from social workers, investigators and additional service providers deemed necessary in the representation of the clients of the civil court

FUNDS

appointed attorney.

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?

**JUSTIFICATION OF
REQUEST**

SCCID is requesting \$1,000,000 in Other Funds Authorization based upon a Memorandum of Understanding between SCCID and DSS to be reimbursed for costs associated with the legal representation of qualified individuals under the Title IV (E) program under the Social Security Act. This reimbursement is an enhancement program to ensure that both the Title IV (E) eligible child in foster care and that child's parents are prepared for and participate in all stages of foster care related legal proceedings.

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:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	7
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Federal Funds Authorization for OJJDP Grant
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$0 Federal: \$121,477 Other: \$0 Total: \$121,477
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What is the net change in requested appropriations for FY 2021-2022? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	0.00
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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	This funding request is based upon the Strategy 2.1 Provide mandatory training program for all new Public Defenders and contract attorneys. The project will emphasize training for all attorneys defending indigent juvenile offenders. The intensified training will build upon the training function already established in the state’s Commission on Indigent Defense, coordinated by Juvenile Defender Advocate who will serve as a resource for juvenile defense attorneys.
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What specific strategy, as outlined in the most recent 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	SCCID received a federal grant from the US Department of Justice, through the Office of Juvenile Justice and Delinquency Prevention for 3 years and we are asking for the federal funds authorization for the third year of this grant.
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FUNDS

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?

**JUSTIFICATION OF
REQUEST**

SCCID is requesting \$121,477 in Federal Funds Authorization for the third year of a three year grant from the Office of Juvenile Justice and Delinquency Prevention under the US Department of Justice. This project will address those shortcomings in the state's juvenile defense system by equipping lawyers with skills to prevent youth from being unnecessarily incarcerated, and to assist youth in remaining in the community or reentering the community with reduced risk of recidivism. The project will emphasize training for all attorneys defending indigent juvenile clients. The intensified training will build upon the training function already established in the state's Commission on Indigent Defense, coordinated by Juvenile Defender Advocate who will serve as a resource for juvenile defense attorneys. The project will create a sustained, ongoing training curriculum for juvenile defenders, and specialized topics regarding the ability of juvenile defense counsel to advocate for placement decisions for juvenile clients which reduce their prospects of reoffending or promote successful reentry if placed out of their homes. The project will also include a robust system for data collection and analysis, augmenting the Commission's existing information technology. That analysis, coordinated by the Juvenile Defender Advocate, will lead to improvement of outcomes for youth represented in the state's juvenile courts, especially those associated with the reduction of reoffending and recidivism.

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:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

FORM D – PROVISO REVISION REQUEST

NUMBER	61.4
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Cite the proviso according to the renumbered list (or mark “NEW”).

TITLE	SC Appellate Court Rule 608 Appointments
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Provide the title from the renumbered list or suggest a short title for any new request.

BUDGET PROGRAM	I. Administration
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Identify the associated budget program(s) by name and budget section.

RELATED BUDGET REQUEST	N/A
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Is this request associated with a budget request you have submitted for FY 2021-2022? If so, cite it here.

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

OTHER AGENCIES AFFECTED	None
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Which other agencies would be affected by the recommended action? How?

SUMMARY & EXPLANATION	This amendment provides the following: 1. The correction of SC Code sections referenced in the proviso. The Children’s Code was removed from Title 20 of the SC Code of Laws and placed in Title 63. This amendment reflects the new statute numbers. 2. Allowing the agency to retain, by contract, other professional services frequently used by court appointed attorneys. This will allow the agency to reduce costs associated with these services.
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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.

FISCAL IMPACT

This amended Proviso will allow the agency to contract for professional services to assist appointed counsel. By contracting for these services, the agency will be able to better manage and anticipate the costs associated with the civil court appointment cases.

Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

PROPOSED PROVISO TEXT

61.4. (INDEF: SC Appellate Court Rule 608 Appointments) The funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post-Conviction Relief (PCR) and Criminal Conflict appointments to reimburse court appointed private attorneys and for other expenditures as specified in this provision. SC Appellate Court Rule 608 Appointments funds may not be transferred or used for any other purpose.

A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for "Termination of Parental Rights" cases and "Abuse and Neglect" cases to reimburse private attorneys who are appointed by the Family Court to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections ~~20-7-110-63-7-1620~~ et seq., ~~20-7-1570-63-7-2560~~ et seq., ~~20-7-1695 (A)(2)~~ 63-9-320(A)(2) et seq., ~~20-7-7205-63-19-810~~ et seq., and ~~20-7-8705 (4)(a)~~ 63-19-2210 et seq.; for "Probate Court Commitment" cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for "Sexually Violent Predator" cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed two thousand dollars for any case under which such private attorney is appointed.

A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for noncapital Post Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed one thousand dollars in any single case.

A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for noncapital criminal cases pursuant to Section 17-3-50 (Conflict Fund). Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single misdemeanor case.

Reimbursement in excess of the hourly rate and limit set forth herein 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.

A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys ~~qualified to handle civil and criminal court appointments, to be reimbursed in accordance with applicable provisos and statutes.~~ and other professionals to assist court appointed attorneys to provide quality and effective representation. The Commission shall establish all policies, procedures and contract provisions as it deems appropriate for the implementation of the system, including but not limited to the selection and compensation rates.

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

Agency Name:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

FORM D – PROVISO REVISION REQUEST

NUMBER	61.11
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Cite the proviso according to the renumbered list (or mark “NEW”).

TITLE	Capital Case Contract Attorneys
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Provide the title from the renumbered list or suggest a short title for any new request.

BUDGET PROGRAM	I. Administration, Death Penalty Trial Funds
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Identify the associated budget program(s) by name and budget section.

RELATED BUDGET REQUEST	
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Is this request associated with a budget request you have submitted for FY 2021-2022? If so, cite it here.

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

OTHER AGENCIES AFFECTED	None
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Which other agencies would be affected by the recommended action? How?

SUMMARY & EXPLANATION	This amendment will allow the agency to retain, by contract, attorneys and other professional services frequently used in capital litigation. This will further allow the agency to reduce cost associated with these services.
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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.

FISCAL IMPACT

This amended Proviso will allow the agency to contract for services to assist appointed counsel in capital proceedings. By contracting for these services, the agency will be able to better manage and anticipate the costs associated with the capital cases.

Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

PROPOSED PROVISO TEXT

61.11. (INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding. The commission may use these funds to retain, on a contractual basis, the services of other professionals to assist court appointed attorneys to provide effective representation in the above capital proceedings.

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

Agency Name:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

FORM D – PROVISO REVISION REQUEST

NUMBER	61.CJSWP
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Cite the proviso according to the renumbered list (or mark “NEW”).

TITLE	Criminal Justice Workload Parity
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Provide the title from the renumbered list or suggest a short title for any new request.

BUDGET PROGRAM	III. Office of Circuit Public Defender
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Identify the associated budget program(s) by name and budget section.

RELATED BUDGET REQUEST	B1-Recurring Priority #2 Criminal Justice System Workload Parity
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Is this request associated with a budget request you have submitted for FY 2021-2022? If so, cite it here.

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

OTHER AGENCIES AFFECTED	None
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Which other agencies would be affected by the recommended action? How?

SUMMARY & EXPLANATION	This proviso will allow SCCID to distribute the appropriations for the FY21-22 Budget request, Priority #2 Criminal Justice System Workload Parity of \$7,800,000 to the Circuit Public Defender Offices as follows: \$1,200,000 will be distributed in the amount of \$75,000 per circuit for 1.00 new Public Defender, covering salary and fringe, for a system wide total of 16.00 new Public Defenders; \$800,000 will be distributed in the amount of \$50,000 per circuit for 1.00 new Administrative Assistant, covering salary and fringe, for a system wide total of 16.00 new Administrative Assistants; \$2,400,000 will be distributed in the amount of \$150,000 per circuit for 2.00 new Investigators, covering salary and fringe, for a system wide total of 32.00 new Investigators; \$2,400,000 will be distributed in the amount of \$150,000 per circuit for 2.00 new Bond Court Attorneys, covering salary and fringe, for a system wide total of 32.00 new Bond Court Attorneys; The remaining \$1,000,000 will be distributed on a per capita basis, for the purpose of retaining experienced and talented public defenders and staff.
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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.

FISCAL IMPACT

\$7,800,000 in recurring funding for salary and fringe will be distributed to the Circuit Pubic Defenders to hire additional attorneys, administrative assistants and investigators as well as help retain experienced and talented public defenders and staff. \$6,800,000 will be distributed in the amount of \$425,000 per circuit, for the salary and fringe of 1.00 Public Defenders, 1.00 Administrative Assistant, 2.00 Investigator and 2.00 Bond Court Attorneys. The remaining \$1,000,000 will be distributed to the circuits on a per-capita basis.

Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

PROPOSED PROVISO TEXT

61.13. (INDEF: Criminal Justice System Workload Parity) The amount appropriated in this Act and authorized for Criminal Justice System Workload Parity will have the first \$6,800,000 distributed as follows; \$1,200,000 will be distributed in the amount \$75,000 per circuit for 1.00 Public Defender; \$800,000 will be distributed in the amount of \$50,000 per circuit for 1.00 Administrative Assistant; \$2,400,000 will be distributed in the amount of \$150,000 per circuit for 2.00 Investigators; \$2,400,000 will be distributed in the amount of \$150,000 per circuit for 2.00 Bond Court Attorneys; The remaining \$1,000,000 will be distributed in a per-capita basis, for the purpose of retaining experienced and talented public defenders and staff. This proviso will conform to the amount appropriated by the legislature in the annual appropriations act.

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

Agency Name:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61

FORM E – AGENCY COST SAVINGS AND GENERAL FUND REDUCTION

CONTINGENCY PLAN

TITLE	Agency Cost Savings and General Fund Reduction Contingency Plan
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AMOUNT	\$957,005
What is the General Fund 3% reduction amount? This amount should correspond to the reduction spreadsheet prepared by EBO.	

ASSOCIATED FTE REDUCTIONS	None for State Authorized FTE’s
How many FTEs would be reduced in association with this General Fund reduction?	

PROGRAM / ACTIVITY IMPACT	I. Administration Rule 608 Appointment II. Office of Circuit Public Defender Defense of Indigents/Per Capita DUI Defense of Indigents Criminal Domestic Violence
What programs or activities are supported by the General Funds identified?	

SUMMARY	If the 3% General fund reduction were to be implemented, SCCID would take the cuts from our budget lines as follows: Rule 608 Appointment (309,132) Defense of Indigent per capita (405,377) DUI Defense of Indigent (105,433) Criminal Domestic Violence (137,063) SCCID 3% Reduction (957,005) This reduction would see the decrease in this agency’s ability to fund the much-needed legal representation for the indigent citizens of South Carolina in the court system of our state. The reduction of these funds means that the county Public Defender Offices will not be able to fund attorney positions to handle the new cases that are brought to court every day, thus increasing the caseloads of the already strained public defenders that are working in the 16 judicial circuits. The reduction in staff could cause the judicial docket to slow down even further thus creating additional problems for other agencies of the state. The reduction of funds for the Rule 608 Appointment, would mean that SCCID would not be able to pay the private contract attorneys for handling the cases of the indigent citizens of South Carolina and would increase the backlog of cases for the Public Defenders in the 16 judicial circuits.
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Please provide a detailed summary of service delivery impact caused by a reduction in General Fund Appropriations and provide the method of calculation for anticipated reductions. Agencies should prioritize reduction in expenditures that have the least significant impact on service delivery.

AGENCY COST SAVINGS PLANS	SCCID continues to look for ways to be more efficient with less resources. In FY19-20, SCCID was unable to find any cost savings that would reach the \$50,000 threshold. In FY20-21 the agency will continue to monitor expenses and look for ways to reduce expenditures without cutting services to the citizens of South Carolina.
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What measures does the agency plan to implement to reduce its costs and operating expenses by more than \$50,000? Provide a summary of the measures taken and the estimated amount of savings. How does the agency plan to repurpose the savings?

Law Enforcement and Criminal Justice Subcommittee						
E230 Commission on Indigent Defense Proviso Request Summary						
FY 20-21 Proviso #	Renumbered FY 21-22 Proviso #	Proviso Title	Short Summary	FY of Proviso Introduction/ # of years in budget	Recommended Action	Proviso Language
61.1	61.1	Defense of Indigents Formula	This provision outlines how the funds for the Defense of Indigents Per Capita, Death Penalty Trial Fund and Conflict Funds are to be apportioned.	Prior to FY96/26 years	NO CHANGE	(INDEF: Defense of Indigents Formula) The amount appropriated in this act for "Defense of Indigents" 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, 2005. The level of contribution of each county as of July 1, 2001, must be maintained. No county shall be permitted to contribute less money than the amount the county contributed in the prior fiscal year. Within the amount of money established for indigent defense services, the State shall set aside \$3,000,000 (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 set aside \$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 the remaining funds 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. 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.
61.2	61.2	State Employee Compensation Prohibited	Prohibits the use of any funds to compensate any State employee appointed by the court as an examiner, guardians ad litem or attorney.	Prior to FY96/26 years	NO CHANGE	(INDEF: State Employee Compensation Prohibited) Except as otherwise provided in Section 117.5, no money appropriated pursuant to Defense of Indigents shall be used to compensate any state employees appointed by the court as examiners, guardians ad litem or attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.
61.3	61.3	Appellate Conflict Fund	This provision outlines the purpose of the Appellate Conflict Fund and how those funds are apportioned.	FY2000/22 years	NO CHANGE	(INDEF: Appellate Conflict Fund) The purpose of the Appellate Conflict Fund is to provide money to pay attorneys for representing indigent defendants on appellate review when the Office of Appellate Defense is unable to do so. Funds designated for appellate use in conflict cases shall be administered by the Commission on Indigent Defense. The Office of Appellate Defense must first determine that it is unable to provide representation. Fees shall be \$40 per hour for out of court work and \$60 for in court work, with a maximum of \$3,500 per case for noncapital appeals. Fees shall be \$50 per hour for out of court work and \$75 per hour for in court work in capital appeals with a maximum of \$10,000 per capital appeal. The appropriate appellate court shall review and approve vouchers for payment for appellate conflict cases. The Office of Appellate Defense shall continue to provide printing and other support functions currently provided from their resources. On June thirtieth of each year, the Commission on Indigent Defense shall review all outstanding obligations in this fund. Any unspent and unobligated money shall be used to pay outstanding vouchers in the Death Penalty Trial Fund or the Conflict Fund, provided the designated fund has become exhausted during the year.

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61.4	61.4	SC Appellate Court Rule 608 Appointments	This provision outlines the purpose of the SC Appellate Court Rule 608 Appointments and how those funds are apportioned, to include the types of cases which are eligible for reimbursement. <u>The correction of SC Code sections referenced in the proviso. The Children's Code was removed from Title 20 of the SC Code of Laws and placed in Title 63. This amendment reflects the new statute numbers. Allowing the agency to retain, by contract, other professional services frequently used by court appointed attorneys. This will allow the agency to reduce costs associated with these services.</u>	FY12/10 years	AMEND	(INDEF: SC Appellate Court Rule 608 Appointments) The funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post-Conviction Relief (PCR) and Criminal Conflict appointments to reimburse court appointed private attorneys and for other expenditures as specified in this provision. SC Appellate Court Rule 608 Appointments funds may not be transferred or used for any other purpose. A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for "Termination of Parental Rights" cases and "Abuse and Neglect" cases to reimburse private attorneys who are appointed by the Family Court to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-440 63-7-1620 et seq., 20-7-4570 63-7-2560 et seq., 20-7-4695 (A)(2) 63-9-320(A)(2) et seq., 20-7-7205 63-19-810 et seq., and 20-7-8705 (4)(a) 63-19-2210 et seq.; for "Probate Court Commitment" cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for "Sexually Violent Predator" cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed two thousand dollars for any case under which such private attorney is appointed. A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for noncapital Post Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed one thousand dollars in any single case. A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for noncapital criminal cases pursuant to Section 17-3-50 (Conflict Fund). Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single misdemeanor case. Reimbursement in excess of the hourly rate and limit set forth herein 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. A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil and criminal court appointments, to be reimbursed in accordance with applicable provisos and statutes, and other professionals to assist court appointed attorneys to provide quality and effective representation. The Commission shall establish all policies, procedures and contract provisions as it deems appropriate for the implementation of the system, including but not limited to the selection and compensation of contract awardees.
61.5	61.5	Carry Forward	This provision allows SCCID to carry forward any unencumbered balances from both the Appellate Conflict and SC Appellate Court Rule 608 Funds from the prior fiscal year.	FY02/20 years	NO CHANGE	INDEF: Carry Forward) To offset budget reductions, the Commission on Indigent Defense may carry forward and utilize any unencumbered balances available in the Appellate Conflict Fund and the SC Appellate Court Rule 608 Appointment Fund at the end of the prior fiscal year.
61.6	61.6	Public Defender Fee	This provision establishes a \$500 fee for any one who is represented by a public defender or is appointed counsel and is placed on Probation.	FY04/18 years	NO CHANGE	(INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a public defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected by the clerk of court and sent on a monthly basis to the Commission on Indigent Defense. However, if a defendant fails to pay this fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be collected and paid over before any other fees.

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61.7	61.7	Defense of Indigents Civil Action Application Fee	This provision establishes a \$40 Civil application fee for any one who is represented by a public defender or is appointed counsel for specific identified civil court actions.	FY02/20 years	NO CHANGE	(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 on a monthly basis. 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' 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.
61.8	61.8	Exemption for Pass Through Funding	This provision exempts the pass-thru funds from SCCID to the Legal Services Corporation as part of the agency's base budget for any budget reductions.	FY10/12 years	NO CHANGE	(INDEF: Exemption for Pass Through Funding) The funds distributed by the Commission on Indigent Defense to the Legal Services Corporation in accordance with Section 14-1-204 of the 1976 Code shall not be considered part of the commission's budget for purposes of calculating budget reductions.
61.9	61.9	Reporting Requirement	This provision establishes the reporting requirements of the Circuit Public Defender Offices.	FY10/12 years	NO CHANGE	(INDEF: Reporting Requirement) Circuit Public Defenders shall provide, in a manner and form as the agency head requires, information and data concerning caseloads, dispositions, and other information as required by the agency head or General Assembly. The agency shall withhold payments and transfers to Circuit Public Defenders who are not in compliance with the agency reporting requirements.
61.10	61.10	Donation Carry Forward	This provisions allows SCCID to accept and carryforward any donations for the publication of the "South Carolina Juvenile Collateral Consequences Checklist"	FY14/8 years	DELETE	(INDEF: Donation Carry Forward) The Commission on Indigent Defense may accept donations for the publication of "The South Carolina Juvenile Collateral Consequences Checklist." All revenue derived from donations received at the Commission on Indigent Defense shall be retained, carried forward and expended according to agreement reached between the donor, or donors, and the Commission on Indigent Defense.
61.11	61.11	Capital Case Contract Attorneys	This provision allows funds appropriated for the Death Penalty Trial Fund to be used by SCCID for the purpose of retaining, on a contractual basis, an attorney for capital proceedings as defined in this proviso. <u>The change would allow the Commission to use these funds to retain, on a contractual basis the services of other professionals to assist court appointed attorneys to provide effective representation in the above capital proceedings.</u>	FY16/6 years	AMEND	(INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding. The commission shall establish all policies, procedures and contract provisions as it deems appropriate for the implementation of the system, including but not limited to the selection and compensation of contract awardees. <u>The commission may use these funds to retain, on a contractual basis, the services of other professionals to assist court appointed attorneys to provide quality and effective representation in the above capital proceedings.</u>

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61.12	61.12	Optional Courts and Indigent Representation	This provision requires municipalities to provide adequate funding for the representation of the indigents in their municipal courts system.	FY16/6 years	NO CHANGE	(INDEF: Optional Courts and Indigent Representation) If a municipality has or elects to have an optional municipal court system, it must provide adequate funds for representation of indigents. No public defender shall be appointed in any such court unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation and no funds allocated to the commission shall be used to provide compensation for appointed counsel in municipal courts.
	61.CJSWP (New)	Criminal Justice System Workload Parity	This provision allows the agency to distribute the appropriations in the FY21-22 Act for Criminal Justice System Workload Parity in a pro-rata and per-capita manner as outlined in the provision.	FY22	ADD	(INDEF: Criminal Justice System Workload Parity) <u>The amount appropriated in this Act and authorized for Criminal Justice System Workload Parity will have the first \$6,800,000 distributed as follows: \$1,200,000 will be distributed in the amount \$75,000 per circuit for 1.00 Public Defender; \$800,000 will be distributed in the amount of \$50,000 per circuit for 1.00 Administrative Assistant; \$2,400,000 will be distributed in the amount of \$150,000 per circuit for 2.00 Investigators; \$2,400,000 will be distributed in the amount of \$150,000 per circuit for 2.00 Bond Court Attorneys; The remaining \$1,000,000 will be distributed in a per-capita basis, for the purpose of retaining experienced and talented public defenders and staff. This proviso will conform to the amount appropriated by the legislature in the annual appropriations act.</u>