



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Hugh Ryan

Executive Director

Hervy Young

Deputy Director/General Counsel

Lawrence Brown

Deputy General Counsel/Training Director

Lori Frost

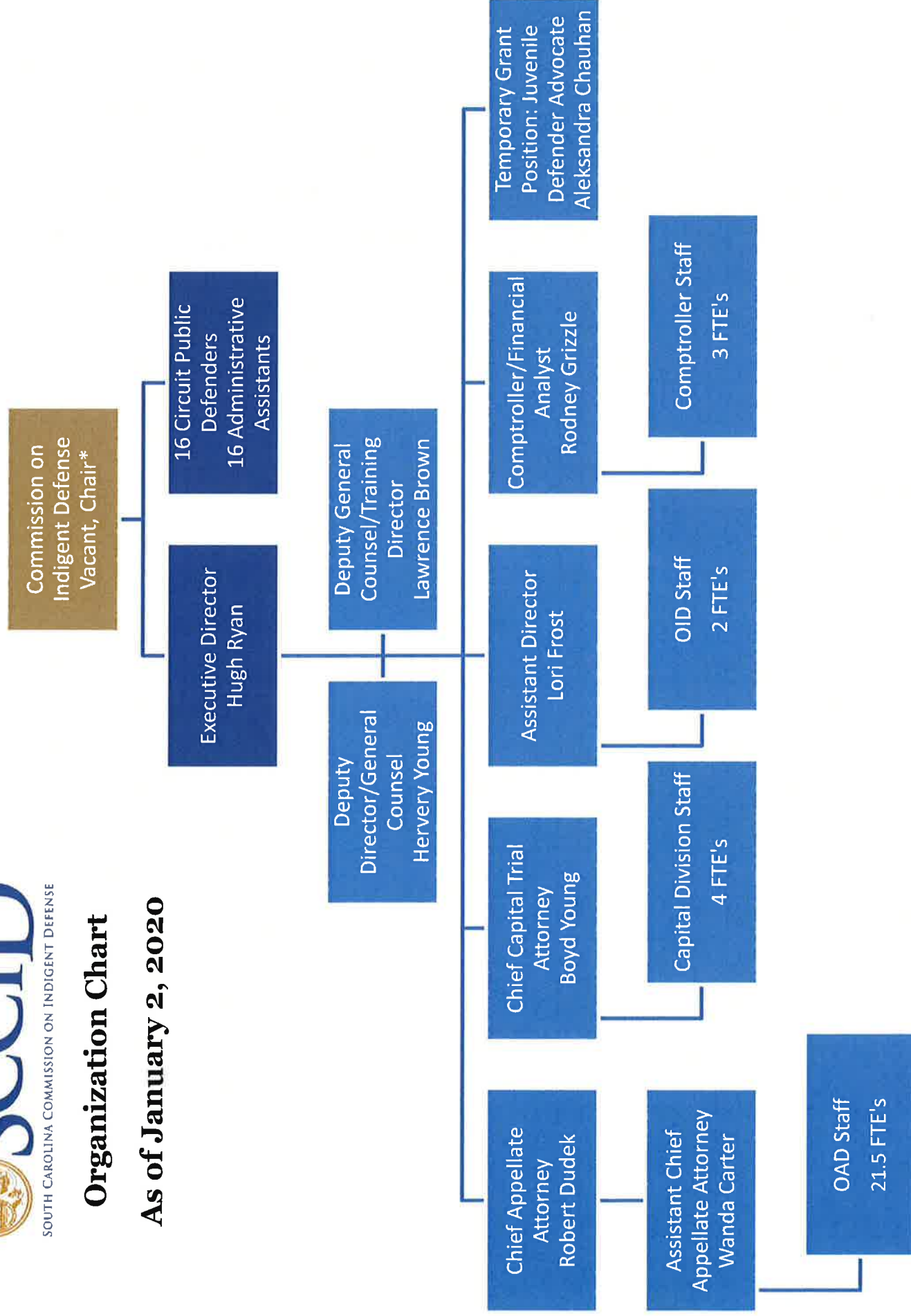
Assistant Director/HR Manager

Rodney Grizzle

Comptroller

Organization Chart

As of January 2, 2020



* Former Chairman Harry Dest retired effective 1/1/2020. A new chairman will be selected by the Commission at their next meeting in February 2020.

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

BUDGET REQUESTS												
Priority	Request Type	Request Title	FUNDING				FTES					
			State	Federal	Earmarked	Restricted	Total	State	Federal	Earmarked	Restricted	Total
1	B1 - Recurring	Salary Equalization for the Circuit Public Defender Administrative Assistants	216,701				216,701					0.00
2	B1 - Recurring	Criminal Justice System Workload Parity	7,800,000				7,800,000					0.00
3	B1 - Recurring	Caseload (Workload) Equalization	7,924,800				7,924,800					0.00
4	B1 - Recurring	Rule 608 Appointments	1,500,000				1,500,000					0.00
5	B1 - Recurring	Increase State Funded FTE					0	1.00				1.00
6							0					0.00
7							0					0.00
8							0					0.00
9							0					0.00
10							0					0.00
11							0					0.00
12							0					0.00
13							0					0.00
14							0					0.00
15							0					0.00
16							0					0.00
17							0					0.00
18							0					0.00
19							0					0.00
20							0					0.00
21							0					0.00
22							0					0.00
23							0					0.00
24							0					0.00
25							0					0.00
26							0					0.00
27							0					0.00
28							0					0.00
29							0					0.00
30							0					0.00
TOTAL BUDGET REQUESTS			17,441,501	0	0	0	17,441,501	1.00	0.00	0.00	0.00	1.00

AGENCY NAME: South Carolina Commission on Indigent Defense

AGENCY CODE: E230

SECTION: 61



Fiscal Year 2020-21 Agency Budget Plan

FORM A - BUDGET PLAN SUMMARY

**OPERATING
REQUESTS
(FORM B1)**

For FY 2020-21, my agency is (mark "X"):

- ☒ Requesting General Fund Appropriations.
☐ Requesting Federal/Other Authorization.
☐ Not requesting any changes.

**NON-RECURRING
REQUESTS
(FORM B2)**

For FY 2020-21, 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 2020-21, my agency is (mark "X"):

- ☐ Requesting funding for Capital Projects.
☒ Not requesting any changes.

**PROVISOS
(FORM D)**

For FY 2020-21, 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 2020-21 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	Harry A. Dest

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

AGENCY NAME:	South Carolina Commission on Indigent Defense		
AGENCY CODE:	E230	SECTION:	61

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	<div style="border: 1px solid black; padding: 2px;">1</div> <p><i>Provide the Agency Priority Ranking from the Executive Summary.</i></p>																				
TITLE	<div style="border: 1px solid black; padding: 2px;">Salary Equalization for the Circuit Public Defender Administrative Assistants</div> <p><i>Provide a brief, descriptive title for this request.</i></p>																				
AMOUNT	<div style="border: 1px solid black; padding: 2px;"> <p>General: \$216,701</p> <p>Federal:</p> <p>Other:</p> <p>Total: \$216,701</p> </div> <p><i>What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.</i></p>																				
NEW POSITIONS	<div style="border: 1px solid black; padding: 2px;">N/A</div> <p><i>Please provide the total number of new positions needed for this request.</i></p>																				
FACTORS ASSOCIATED WITH THE REQUEST	<div style="border: 1px solid black; padding: 2px;"> <p>Mark "X" for all that apply:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30px; text-align: center;"><input checked="" type="checkbox"/></td> <td>Change in cost of providing current services to existing program audience</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Change in case load/enrollment under existing program guidelines</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Non-mandated change in eligibility/enrollment for existing program</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Non-mandated program change in service levels or areas</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Proposed establishment of a new program or initiative</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Loss of federal or other external financial support for existing program</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Exhaustion of fund balances previously used to support program</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>IT Technology/Security related</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Consulted DTO during development</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Related to a Non-Recurring request – If so, Priority # _____</td> </tr> </table> </div>	<input checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience	<input type="checkbox"/>	Change in case load/enrollment under existing program guidelines	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program	<input type="checkbox"/>	Non-mandated program change in service levels or areas	<input type="checkbox"/>	Proposed establishment of a new program or initiative	<input type="checkbox"/>	Loss of federal or other external financial support for existing program	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program	<input type="checkbox"/>	IT Technology/Security related	<input type="checkbox"/>	Consulted DTO during development	<input type="checkbox"/>	Related to a Non-Recurring request – If so, Priority # _____
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AGENCY NAME:	South Carolina Commission on Indigent Defense		
AGENCY CODE:	E230	SECTION:	61

ACCOUNTABILITY OF FUNDS	<p>This funding request is based upon the Strategy 1.1 Enhance the Circuit Public Defender System. The recurring funding request of \$216,701 is to increase the salaries of the 16 Circuit Public Defender Administrative Assistants.</p>
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What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

RECIPIENTS OF FUNDS	<p>The 16 Circuit Public Defender Administrative Assistants</p>
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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	<p>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 \$37,451 to match the salary of the Circuit Solicitor Administrative Assistant and reduce turnover.</p>
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Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

AGENCY NAME:	South Carolina Commission on Indigent Defense		
AGENCY CODE:	E230	SECTION:	61

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	2
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Criminal Justice System Workload Parity
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$7,800,000 Federal: Other: Total: \$7,800,000
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What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	N/A
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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: <table style="width: 100%;"> <tr><td><input type="checkbox"/></td><td>Change in cost of providing current services to existing program audience</td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Change in case load/enrollment under existing program guidelines</td></tr> <tr><td><input type="checkbox"/></td><td>Non-mandated change in eligibility/enrollment for existing program</td></tr> <tr><td><input type="checkbox"/></td><td>Non-mandated program change in service levels or areas</td></tr> <tr><td><input type="checkbox"/></td><td>Proposed establishment of a new program or initiative</td></tr> <tr><td><input type="checkbox"/></td><td>Loss of federal or other external financial support for existing program</td></tr> <tr><td><input type="checkbox"/></td><td>Exhaustion of fund balances previously used to support program</td></tr> <tr><td><input type="checkbox"/></td><td>IT Technology/Security related</td></tr> <tr><td><input type="checkbox"/></td><td>Consulted DTO during development</td></tr> <tr><td><input type="checkbox"/></td><td>Related to a Non-Recurring request – If so, Priority # _____</td></tr> </table>	<input type="checkbox"/>	Change in cost of providing current services to existing program audience	<input checked="" type="checkbox"/>	Change in case load/enrollment under existing program guidelines	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program	<input type="checkbox"/>	Non-mandated program change in service levels or areas	<input type="checkbox"/>	Proposed establishment of a new program or initiative	<input type="checkbox"/>	Loss of federal or other external financial support for existing program	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program	<input type="checkbox"/>	IT Technology/Security related	<input type="checkbox"/>	Consulted DTO during development	<input type="checkbox"/>	Related to a Non-Recurring request – If so, Priority # _____
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STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective: <table style="width: 100%;"> <tr><td><input type="checkbox"/></td><td>Education, Training, and Human Development</td></tr> <tr><td><input type="checkbox"/></td><td>Healthy and Safe Families</td></tr> <tr><td><input type="checkbox"/></td><td>Maintaining Safety, Integrity, and Security</td></tr> <tr><td><input type="checkbox"/></td><td>Public Infrastructure and Economic Development</td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Government and Citizens</td></tr> </table>	<input type="checkbox"/>	Education, Training, and Human Development	<input type="checkbox"/>	Healthy and Safe Families	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security	<input type="checkbox"/>	Public Infrastructure and Economic Development	<input checked="" type="checkbox"/>	Government and Citizens
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AGENCY NAME:	South Carolina Commission on Indigent Defense		
AGENCY CODE:	E230	SECTION:	61

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 FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

RECIPIENTS OF FUNDS

The 16 Circuit Public Defender Offices.

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 State-wide 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 450 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 defenders, 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 representation as mandated by the 6th Amendment of the U.S. Constitution. For the year end FY17-18, Solicitors Offices total funding, as reported in accordance with Proviso 117.108, was \$90,400,274 versus \$38,180,968 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:	South Carolina 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: \$7,924,800 Federal: Other: Total: \$7,924,800
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What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	N/A
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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:	
	<input type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input checked="" type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
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	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
<input type="checkbox"/>	Consulted DTO during development	
<input type="checkbox"/>	Related to a Non-Recurring request – If so, Priority # _____	

STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
<input checked="" type="checkbox"/>	Government and Citizens	

AGENCY NAME:	South Carolina Commission on Indigent Defense		
AGENCY CODE:	E230	SECTION:	61

ACCOUNTABILITY OF FUNDS

This budget request 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 16.64% increase in warrants handled by their offices.

FY15-16 108,247 warrants
FY16-17 116,500 warrants
FY17-18 122,349 warrants
FY18-19 126,256 warrants

What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

RECIPIENTS OF FUNDS

The funds requested would be disbursed to the 16 Circuit Public Defender Offices throughout the State. The current process of distribution of funds is on a per capita basis using the most current Census figures. The current census is from 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 the agency's understanding they will request approximately \$9.5 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 \$7,924,800 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 126,256 (FY18-19) marking a 16.64% increase. The average number of warrants per Public Defender has risen to approximately 450. For the year end FY17-18, Solicitors Offices total funding, as reported in accordance with Proviso 117.108, was \$90,400,274 versus \$38,180,968 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:	South Carolina Commission on Indigent Defense		
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FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	4	<i>Provide the Agency Priority Ranking from the Executive Summary.</i>																				
TITLE	Rule 608 Appointments																					
	<i>Provide a brief, descriptive title for this request.</i>																					
AMOUNT	General: \$1,500,000 Federal: Other: Total: \$1,500,000																					
	<i>What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.</i>																					
NEW POSITIONS	N/A																					
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AGENCY NAME:	South Carolina Commission on Indigent Defense		
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ACCOUNTABILITY OF FUNDS	<p>This funding request is based upon the Strategy 1.1 Enhance the Circuit Public Defender System. The recurring funding request of \$1,500,000 is cover the increased number of cases handled by 608 Contract Attorneys.</p>
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What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

RECIPIENTS OF FUNDS	<p>The increase in funding will be used to pay vouchers submitted by the 608 Contract Attorneys who handle Criminal Conflicts, family Court Termination of Parental Rights, Abuse and Neglect and Post-Conviction Relief cases.</p>
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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	<p>SCCID is requesting additional General Funds in the amount of \$1,500,000 to address the increase in the number of cases that are being handled by the 608 Contract Attorneys. From FY16-17 to FY17-18 the Family Court cases and Criminal Conflict expenditures both increased by 4%. From FY17-18 to FY18-19 The Family Court expenditures increased by 22%, Criminal Conflict expenditures increased by 8% and Post-Conviction Relief (PCR) expenditures increased by 9%. In FY19-20 the Family Court expenditures are up an additional 11% and the Criminal Conflict expenditures are up 6% from FY18-19. The projected expenditures for FY19-20 for Rule 608 Appointments is \$10,256,390, which is \$1,141,000 above the recurring appropriation of \$9,115,374. The projected short fall in funding for FY19-20 for the 608 expenditures, will exhaust all carry-forward funds in that program. Based upon the upward trend in the number of cases, it is imperative that SCCID received the \$1,500,000 additional funding for the Rule 608 Appointment program.</p>
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Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

AGENCY NAME:	South Carolina 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: Federal: Other: Total:
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What is the net change in requested appropriations for FY 2020-21? 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:	
	<input checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
	<input type="checkbox"/>	Consulted DTO during development
	<input type="checkbox"/> Related to a Non-Recurring request – If so, Priority # _____	

STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
	<input checked="" type="checkbox"/>	Government and Citizens

ACCOUNTABILITY OF FUNDS	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 FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

AGENCY NAME:	South Carolina Commission on Indigent Defense		
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RECIPIENTS OF FUNDS	There is not request for funding, the new 1.00 FTE will be for the Division of Appellate Defense.
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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	<p>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.</p>
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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	61.11 <i>Cite the proviso according to the renumbered list for FY 2020-21 (or mark "NEW").</i>
TITLE	Capital Case Contract Attorneys <i>Provide the title from the FY 2019-20 Appropriations Act or suggest a short title for any new request.</i>
BUDGET PROGRAM	I. Administration, Death Penalty Trial Funds <i>Identify the associated budget program(s) by name and budget section.</i>
RELATED BUDGET REQUEST	N/A <i>Is this request associated with a budget request you have submitted for FY 2020-21? If so, cite it here.</i>
REQUESTED ACTION	Amend <i>Choose from: Add, Delete, Amend, or Codify.</i>
OTHER AGENCIES AFFECTED	None <i>Which other agencies would be affected by the recommended action? How?</i>
SUMMARY & EXPLANATION	<p>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.</p>

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

AGENCY NAME:	Commission on Indigent Defense		
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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 FY 2019-20 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:	R230	SECTION:	61

FORM D – PROVISO REVISION REQUEST

NUMBER	61. (NEW) <i>Cite the proviso according to the renumbered list for FY 2020-21 (or mark "NEW").</i>
TITLE	Criminal Justice System Workload Parity <i>Provide the title from the FY 2019-20 Appropriations Act or suggest a short title for any new request.</i>
BUDGET PROGRAM	I. Office of Circuit Public Defender <i>Identify the associated budget program(s) by name and budget section.</i>
RELATED BUDGET REQUEST	B1-Recurring Priority #2 Criminal Justice System Workload Parity <i>Is this request associated with a budget request you have submitted for FY 2020-21? If so, cite it here.</i>
REQUESTED ACTION	Add <i>Choose from: Add, Delete, Amend, or Codify.</i>
OTHER AGENCIES AFFECTED	None <i>Which other agencies would be affected by the recommended action? How?</i>
SUMMARY & EXPLANATION	<p>ADD -Proviso (INDEF: Criminal Justice System Workload Parity) This proviso will allow SCCID to distribute the appropriations for the FY20-21 Budget request, Priority #2 Criminal Justice System Workload Parity of \$7,800,000 to be distributed to the Circuit Public Defender Offices as follows:</p> <p>\$2,400,00 will be distributed at the amount of \$150,000 for per circuit for 2.00 new Public Defenders, covering salary and fringe, for a system wide total of 32.00 new Public Defenders. \$2,400,00 will be distributed at the amount of \$150,000 for 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. \$800,000 will be distributed at 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. \$1,200,000 will be distributed at \$75,000 per circuit for 1.00 new Investigator, covering salary and fringe, for a system wide total of 16.00 new Investigators. The remaining \$1,000,000 will be distributed in a per-captia basis, for the purpose of retaining experienced and talented public defenders and staff.</p> <p><i>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.</i></p>

AGENCY NAME:	Commission on Indigent Defense		
AGENCY CODE:	R230	SECTION:	61

FISCAL IMPACT	<p>\$7,800,000 in recurring funding for salary and fringe will be distributed to the Circuit Public Defenders to hire additional attorneys, investigators and administrative assistants 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 2.00 Public Defenders, 2.00 Bond Court Attorneys, 1.00 Administrative Assistant and 1.00 Investigator. The remaining \$1,000,000 will be distributed in a per-capita basis.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

PROPOSED PROVISOR TEXT	<p>61.13. (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 \$2,400,00 distributed at the amount of \$150,000 for per circuit for 2.00 Public Defenders; \$2,400,00 will be distributed at the amount of \$150,000 for per circuit for 2.00 Bond Court Attorneys; \$800,000 will be distributed at the amount of \$50,000 per circuit for 1.00 Administrative Assistant; \$1,200,000 will be distributed at \$75,000 per circuit for 1.00 Investigator; 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.</u></p>
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Paste FY 2019-20 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

AGENCY NAME:

South Carolina Commission on Indigent Defense

AGENCY CODE:

E230

SECTION:

61

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	<u>(137,063)</u>
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 everyday thus increasing the caseload of the already strained public defenders that are working in the 16 judicial circuits now. The reduction on 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.

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 FY18-19, SCCID was unable to find any cost savings that would reach the \$50,000 threshold. In FY19-20 the agency will continue to monitor expenses and look for ways to reduce expenditures without cutting services to the citizens of South Carolina.

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?

E230 South Carolina Commission on Indigent Defense

Law Enforcement and Criminal Justice Subcommittee Proviso Request Summary			
Agency Name			
Proviso # in FY 19-20 Act	Proviso Title	Short Summary	Agency Recommended Action (keep, change, delete, add)
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.	Keep
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.	Keep
61.3	Appellate Conflict Fund	This provision outlines the purpose of the Appellate Conflict Fund and how those funds are apportioned.	Keep
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.	Keep
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.	Keep
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.	Keep
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.	Keep
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.	Keep
61.9	Reporting Requirement	This provision establishes the reporting requirements of the Circuit Public Defender Offices.	Keep
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"	Keep
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. 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.	Change
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.	Keep
61.cjswp (NEW)	Criminal Justice System Workload Parity	This provision allows the agency to distribute the appropriations in the FY20-21 Act for Criminal Justice System Workload Parity in a pro-rata and per-capita manner as outlined in the provision.	Add

**SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE
FY 2018-19 CARRY FORWARD INFORMATION**

Agency Code	Agency Name (or Acronym)	Fund Number	Fund Title	FY 2018-19 Year End Cash Carry-Forward Balance	Projected Cash Carry-Forward Balance as of 6/30/2020	Carry-Forward Authority	Explanation of Carry forward balance
E230	COMMISSION ON INDIGENT DEFENSE	10010000	608 APPOINTMENTS	\$1,019,763	(\$297,008)	Proviso 61.4 and 61.5 FY18-19 Appropriations Act	Funds from this revenue source are used only for the payment of court ordered attorney's fees for the 608 Appointments.
E230	COMMISSION ON INDIGENT DEFENSE	10010000	10% CARRY FORWARD	\$50,065	\$0	Proviso 117.23 FY18-19 State Appropriations Act	Funds from the 10% carry-forward funds are being used for the purchase of new computers and printers for the agency. Based upon the recommendation of the Department of Administration's Division of Technology the agency is replacing the computers and printers for the SCCID Office. These computers and printers were 7 years old and had reached the end of their useful life. The remaining balance will be used for the data conversion to the statewide Defender Data Base.
E230	COMMISSION ON INDIGENT DEFENSE	30350000	OPERATING REVENUE	\$378,125	\$499,641	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	\$79,226	\$89,215	Proviso 61.7 FY18-19 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	\$3,748,472	\$3,239,760	Proviso 61.1 FY18-19 Appropriations Act	Revenue for programs funded from this source, including death penalty trial fund, criminal conflict fund, and the defense of indigents per capita. At the start of Rule 608 contract program, the Commission attempted to maintain a carry-forward amount to cover any shortfall in appropriated funding, while costs of this program was established with year to year data. In the current fiscal these carryforward funds will likely have to be used to cover the projected shortfall in the 608 Contract Program. Due to continuing decrease in revenue collections (Agency has seen a \$3.3 million or (26%) decrease in fee and fine revenue since 2010.) Agency felt it prudent to carry-forward funds should revenue continue to decrease. The agency will use carry-forward to cover increase in costs associated with state retirement contributions and pay increases associated with positions funded by Other Funds.

TOTAL \$5,275,651 \$3,531,609 \$2,895,511 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 FY18-19 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

3634

These funds from Capital Reserve Allocation H.3701 Capital Reserve Fund

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 (\$500) 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 \$3,531,609 projected carryforward amount, a projected \$636,098 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.

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

FTE INFORMATION

as of 1/8/2020

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	70.50	46.50	0.00	24.00	70.50	46.50	0.00	24.00	64.50	43.50	0.00	21.00	6.00	3.00	0.00	3.00