

**PROVISO SUBCOMMITTEE
LAW ENFORCEMENT AND CRIMINAL JUSTICE
RECOMMENDATIONS FOR FY 2018-19
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 47 - P240 - DEPARTMENT OF NATURAL RESOURCES

- 47.11** **AMEND** (Triploid Grass Carp) Prohibits water recreation funds or any other funding source from being used to stock triploid grass carp in Lakes Marion and Moultrie.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “Fiscal Year 2017-18” to “the current fiscal year.”

47.11. (DNR: Triploid Grass Carp) For ~~Fiscal Year 2017-18~~ *the current fiscal year*, no water recreation funds or any other funding source may be used to fund the stocking of triploid grass carp on Lake Marion and Lake Moultrie.

SECTION 53 - P40-S.C. CONSERVATION BANK

- 53.1** **AMEND** (Conservation Bank Trust Fund) Suspends the requirement that the South Carolina Conservation Bank receive all revenues designated for it under Section 12-24-95 [STATE DEED RECORDING FEE CREDITED TO SOUTH CAROLINA CONSERVATION BANK TRUST FUND]. **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference from “2017-18” to “2018-19.”

53.1. (CB: Conservation Bank Trust Fund) For Fiscal Year ~~2017-18~~ *2018-19*, the provisions of Section 12-24-95 of the 1976 Code are suspended.

SECTION 59 - E200 - OFFICE OF THE ATTORNEY GENERAL

- 59.vwp** **ADD** (Victim/Witness Program Formula Distribution) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require the first \$650,000 of any excess funds in the SC Victims’ Compensation Fund be used for Victim/Witness programs. *Responsibility was transferred per Act 96 of 2017 to the Attorney General’s Office.*

59.vwp. *(AG: Victim/Witness Program Formula Distribution) If funds in the South Carolina Victims’ Compensation Fund exceed the amount required to operate the State Crime Victim Compensation Department and pay claims of crime victims, the first \$650,000 of such excess must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria developed by the policy committee, and otherwise subject to requirements of Proviso 60.8.*

- 59.pae** **ADD** (Physical Abuse Examinations) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize up to \$120,000 of funds appropriated for Victims’ Rights to be expended for physical abuse exams. *Responsibility was transferred per Act 96 of 2017 to the Attorney General’s Office.*

59.pae. *(AG: Physical Abuse Examinations) Of the funds appropriated in this section for Victims’ Rights, up to \$120,000 may be expended for physical abuse examinations.*

- 59.ps** **ADD** (Procuring Services) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require the Office of Victims’ Assistance to follow state procurement procedures when hiring outside entities in order to maximize services for victims. Require contracting entities to submit an annual report by August 1 detailing expenditures from the prior fiscal year. Direct the Attorney General’s Office to transfer funds from the Victims’ Compensation Fund and to use general funds appropriated for Victims’ Assistance to pay for any contracts or services

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procured and specifies the amount to be used/transferred. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office.*

59.ps. (AG: Procuring Services) In order to maximize services for victims of crime, if the fulfilling of requirements pursuant to Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Crime Victim Compensation Department must follow procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an annual report by August first to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and Means Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The Attorney General's Office is directed to transfer \$122,032 of the funds carried forward from the prior fiscal year in the Victims' Compensation Fund, and up to \$41,892 from general funds from Victim's Assistance to pay for any contracts or services procured.

59.cvo **ADD** (Crime Victims Ombudsman) **PROVISO SUBCOMMITTEE**
RECOMMENDATION: ADD new proviso to direct the State Crime Victim Compensation Department to transfer \$116,000 to the Crime Victims Ombudsman's Office for administrative and operations support. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office.*

59.cvo. (AG: Crime Victims Ombudsman) For the current fiscal year, the State Crime Victim Compensation Department shall transfer \$116,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

59.vcd **ADD** (State Crime Victim Compensation Department) **PROVISO SUBCOMMITTEE**
RECOMMENDATION: ADD new proviso to authorize the State Crime Victim Compensation Department to enter into MOA with third-party victim service providers for emergency medical, transportation, or other crisis stabilization services on a reimbursable basis and require a report be submitted annually by October 1st to the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees on the performance of the providers and the use of funds. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office.*

59.vcd. (AG: State Crime Victim Compensation Department) For the current fiscal year, The State Crime Victim Compensation Department may enter into memoranda of agreement with third-party victim service providers to secure emergency medical, transportation, or other crisis stabilization services on a reimbursable basis. Such agreements shall not allow for more than eight percent of the total reimbursement to cover a provider's administrative, marketing, and advocacy costs. Annually, and no later than October first of each year, the State Crime Victim Compensation Department shall report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of House Ways and Means Committee on the performance of third-party providers and the use of funds authorized pursuant to this provision in the prior fiscal year.

59.cvc **ADD** (State Crime Victim Compensation) **PROVISO SUBCOMMITTEE**
RECOMMENDATION: ADD new proviso to authorize a county or municipality to retain up to \$25,000 or 10% of the funds collected in the prior fiscal year, whichever is higher, pursuant to certain code sections pertaining to the additional assessment authorized in general sessions, family, magistrate, and municipal courts. Direct that if a county or municipality does not spend at least 90% of these funds on specific crime victims' services during the fiscal year the funds are received, any funds that exceed that amount authorized to be carried forward must be remitted

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to the State Victim Assistance Program. Direct the State Crime Victim Compensation Department to annually offer training and technical assistance on the acceptable use of the funds. Authorize the State Crime Victim Compensation Department to transfer any state funds under their authority to the State Victim Assistance Program for placement in the competitive bid process. Direct the State Victim Assistance Program to offer remitted funds to non-profits that provide direct victim services on a competitive bid process. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office.*

59.cvc. (AG: State Crime Victim Compensation) A county or municipality may retain carry forward funds that were collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but no more than \$25,000 or ten percent of funds collected in the prior fiscal year, whichever is higher. If a county or municipality does not spend at least ninety percent of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority programs during the fiscal year that the funds are received then the county or municipality shall remit any unspent funds that are greater than the allowed carried forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the Office of the Attorney General within 120 days after the end of the fiscal year. All funds must be accounted for in the annual audit for each county or municipality.

The State Crime Victim Compensation Department shall offer training and technical assistance to each municipality and county annually on acceptable use of both priority one and priority two funds and funds available for competitive bid.

The State Crime Victim Compensation Department is authorized to transfer to the State Victim Assistance Program any state funds deemed available under Crime Victims Compensation authority to the State Victim Assistance Programs be placed in the competitive bid process.

The State Victim Assistance Program shall offer any funds remitted to it to non-profit organizations that provide direct victim services on a competitive bid process. These funds may be used by the non-profit for administrative costs and victim services.

59.cvtcsa ADD (Crime Victim Training Certification and Statistical Analysis) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to authorize the Attorney General's Office to use \$75,000 of the State Crime Victim Compensation Fund to support the State Crime Victim Training, Certification and Statistical Analysis Division.

59.cvtcsa.(AG: Crime Victim Training Certification and Statistical Analysis) Of the funds appropriated and/or authorized for the State Crime Victim Compensation Fund, \$75,000 may be used to support the State Crime Victim Training, Certification and Statistical Analysis Division.

59.fbc ADD (Crime Victim Services Funeral and Burial Compensation) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to direct the Department of Crime Victim Compensation to set a \$6,500 threshold for funeral and burial compensation.

59.fbc. (AG: Crime Victim Services Funeral and Burial Compensation) The Department of Crime Victim Compensation shall set the funeral and burial compensation threshold at \$6,500.

SECTION 60 - E210 - PROSECUTION COORDINATION COMMISSION

60.edpp ADD (Electronic Discovery Pilot Program) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to direct the Solicitors for the 2nd, 9th, 14th, 15th and 16th Judicial Circuits to create an electronic criminal discovery pilot program. Direct all law

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enforcement agencies within those designated circuits to comply with the protocol, policies and procedures. Direct the solicitors to report to the General Assembly by November 1, 2019, on the effectiveness and cost of the pilot program.

60.edpp. (PCC: Electronic Discovery Pilot Program) The Solicitors for the 2nd, 9th, 14th, 15th and 16th Judicial Circuits shall create an electronic criminal discovery pilot program and shall develop the protocol, policies and procedures for the electronic transfer and storage of documents, photographs, videos, and any other discovery associated with criminal cases that can be stored and accessed in a digital format. All law enforcement agencies operating within those circuits shall comply with the protocol, policies and procedures promulgated by the solicitor. The solicitors of each of these circuits shall report to the General Assembly concerning the effectiveness and cost of handling discovery through an electronic means by November 1, 2019.

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

- 63.4 DELETE** (Sale of Real Property) Authorizes DPS, DOT, and DMV to receive and expend funds received from the sale of property in Greenville.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Agency states the Laurens Road property in Greenville was sold in FY 2016-17 and the proceeds were distributed to DPS, DOT and DMV. Requested by Department of Public Safety.

~~63.4. (DPS: Sale of Real Property) At such time as any portion of the Laurens Road property in Greenville is declared to be surplus by the agency or agencies which occupy said portion, and after receiving approval from the Department of Administration or State Fiscal Accountability Authority, for the sale of the property, the Department of Public Safety, the Department of Transportation, and the Department of Motor Vehicles are authorized to receive, retain, expend, and carry forward funds derived from the sale of the real property in which each agency holds an interest or title. No portion of the property may be declared as surplus by one agency if another agency is occupying said property. The Department of Public Safety is directed to use these funds to defray the operating expenses of the Highway Patrol and the Department of Transportation and the Department of Motor Vehicles are directed to use their portion of these funds for department operating expenses.~~

- 63.8 AMEND** (Overtime Pay) Requires the department to pay current non-exempt law enforcement officers, by October 1, for any comp time earned and not used in the prior fiscal year. Directs the department to use personal services and/or employer contributions carried forward funds for this purpose. Directs that if the department does not have enough carry forward funds to pay all accrued comp time, they shall pay officers on a percentage distribution based on the hours owed per officer up to the total amount of funds carried forward.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “Fiscal Year 2017-18” to “the current fiscal year.”

~~63.8. (DPS: Overtime Pay) For Fiscal Year 2017-18~~ the current fiscal year, the department is authorized and required to pay current non-exempt law enforcement officers by October first for any compensatory time earned and not used in the prior fiscal year. The funds for this compensation must be provided from available personal services and/or employer contributions funds carried forward from the prior fiscal year. If the amount of carried forward funds is not sufficient to pay all the non-exempt law enforcement officers accrued compensatory time, the agency shall pay the officers on a percentage distribution based on the hours owed per officer up to the total amount that the agency has carried forward.

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SECTION 64 -N200 - LAW ENFORCEMENT TRAINING COUNCIL

64.ugf ADD (CJA-Unexpended FY 2017-18 General Funds) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Criminal Justice Academy to carry forward unexpended general funds to complete the Village Dorm restroom repairs and training program technology upgrades.

64.ugf. (LETC: CJA-Unexpended FY 2017-18 General Funds) The Law Enforcement Training Council, Criminal Justice Academy, is authorized to carry forward unexpended general funds from the prior fiscal year into the current fiscal year to complete Village Dorm restroom repairs and technology upgrades for the training program.

SECTION 110 - R520 - STATE ETHICS COMMISSION

110.cm ADD (Commission Meeting) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to instruct the commission to meet at least once a month and post 24 hours advance meeting notice on the agency website.

110.cm.(ETHICS: Commission Meeting) The Ethics Commission must meet at least one time each month and post notice of meeting at least twenty-four hours in advance on the agency website.

SECTION 117 - X900 - GENERAL PROVISIONS

117.51 AMEND (Assessment Audit / Crime Victim Funds) Requires the State Auditor to notify the State Office of Victim Assistance if the Auditor’s Office finds any county or municipal treasurer, county clerk of court, magistrate or municipal court has not properly allocated revenue from court fines, fines, and assessments to the crime victim funds or if they have not properly spent those funds.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change the “Office of Victim Assistance” references to “Department of Crime Victim Compensation.” *Responsibility was transferred per Act 96 of 2017 to the Attorney General’s Office.*

117.51. (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B) and (D), 14-1-207(B) and (D), 14-1-208(B) and (D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation. The State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation is authorized to conduct an audit which shall include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure which meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure. Any local entity or nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the State ~~Office of~~

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~~Victim Assistance~~ Department of Crime Victim Compensation within thirty days of the budget's approval by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation to initiate a programmatic review and a financial audit of the entity's or nonprofit organization's expenditures of victim assistance funds. Additionally, the ~~Office of Victim Assistance~~ Department of Crime Victim Compensation will place the name of the noncompliant entity or nonprofit organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. Any entity or nonprofit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation. If the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error constitutes an entity or nonprofit organization spending victim assistance funding on unauthorized items as determined by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation. If the entity or nonprofit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation shall assess and collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or nonprofit organization for improper expenditures. This penalty plus \$1,500 must be paid within thirty days of the notification by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation to the entity or nonprofit organization that they are in noncompliance with the provisions of this proviso. All penalties received by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation shall be credited to the General Fund of the State. If the penalty is not received by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation within thirty days of the notification, the political subdivision will deduct the amount of the penalty from the entity or nonprofit organization's subsequent fiscal year appropriation.

- 117.94 AMEND** (Victims Assistance Transfer) Requires the Department of Corrections to transfer \$20,500 monthly to DPS for distribution through the State Victim Assistance Program.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to replace "Department of Public Safety" with "Office of Attorney General." *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office.*

117.94. (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the ~~Department of Public Safety~~ Office of Attorney General for distribution through the State Victims Assistance Program.

- 117.124 AMEND** (Retail Facilities Revitalization Act Repeal Suspension) Suspends the repeal of Chapter 34 of Title 6 [RETAIL FACILITIES REVITALIZATION ACT] as specified in Act 285 of 2006 for sites that provided DOR written notification of election of mode of credit before 7/1/16 and for which a building permit was issued prior to 7/1/16.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso update fiscal year reference from "2017-18" to "2018-19." Fiscal Impact: RFAO states there will be no expenditure impact to the General Fund, Federal Funds, or Other Funds from this provision.

117.124.(GP: Retail Facilities Revitalization Act Repeal Suspension) The repeal of Chapter 34 of Title 6 of the 1976 Code as specified in Act 285 of 2006 as to sites for which written notification of election of mode of credit has been provided to the Department of Revenue prior to July 1, 2016 and for which a building permit has been issued prior to July 1, 2016, is suspended for Fiscal Year ~~2017-18~~ 2018-19.

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117.136 DELETE (Indigent Defense Screening Review) Directs the Commission on Indigent Defense and the Judicial Department Court Administration Program to consult with the Summary Court Judges' Association and Clerks of Court Association on screening indigent defense applications. Directs the Commission on Indigent Defense and Court Administration to make recommendations to the Chairmen of the House Ways and Means, House Judiciary, Senate Finance and Senate Judiciary Committees no later than December 1, 2017, regarding the applicant screening process.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

~~117.136.(GP: Indigent Defense Screening Review) The Commission on Indigent Defense and the Judicial Department Court Administration Program shall consult with the Summary Court Judges' Association and Clerks of Court Association on issues regarding the screening of applicants for indigent defense representation. The Commission on Indigent Defense and Court Administration shall make recommendations to the Chairman of the House Ways and Means Committee, the Chairman of the House Judiciary Committee, the Chairman of the Senate Finance Committee, and the Chairman of the Senate Judiciary Committee no later than December 1, 2017 regarding: requirements for applicants to verify their financial status, supporting documentation that should be required of all applicants; who should conduct the screening, what resources are necessary to properly screen applicants and any other recommendations that will assist in ensuring only those applicants that are truly indigent qualify for the services of a public defender or other appointed counsel.~~