

**PROVISO SUBCOMMITTEE  
LAW ENFORCEMENT & CRIMINAL JUSTICE  
RECOMMENDATIONS FOR FY 2017-18  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**SECTION 47 - P240 - DEPARTMENT OF NATURAL RESOURCES**

**47.wrrf ADD** (Water Recreation Resources Fund) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow the department to use the Water Recreation Resources Fund gasoline user fees for programs that support water and marine resources in addition to its current authorized uses. *Agency states that expanding use of the funds for Marine Resources will help in addressing needs of a growing salt-water recreational activity segment; while expanding use to the Water Resources section will allow for the further enhancement of water monitoring across the state.* Fiscal Impact: RFAO states this would have no expenditure or revenue impact on the General Fund, Federal Funds or Other Funds. Requested by Department of Natural Resources.

*47.wrrf. (Water Recreation Resources Fund) For the current fiscal year, from the portion of the gasoline user fee distributed to the Water Recreation Resources Fund, in addition to the current authorized department uses, the department may extend use to programs supporting water resources and marine resources.*

**47.slr ADD** (Saltwater License Revenue) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow the department to use the law enforcement portion of certain license fees to support the operations of the Marine Resources Division or for deferred maintenance on division facilities and ocean research vessel maintenance. *Agency states this would allow for deferred maintenance deficiencies to be addressed.* Fiscal Impact: RFAO states this would have no expenditure or revenue impact on the General Fund, Federal Funds or Other Funds. Requested by Department of Natural Resources.

*47.slr. (Saltwater License Revenue) For the current fiscal year, from the fees collected by the department for any recreational saltwater, shrimp baiting, charter vessel and saltwater fishing pier license issued for this fiscal year, the department may designate the law enforcement portion to be used in whole or in part to support the operations of the Marine Resources Division operations. The department may also designate a portion of the law enforcement fees for deferred maintenance on Marine Resources Division facilities and ocean research vessel maintenance.*

**SECTION 57 - B040 - JUDICIAL DEPARTMENT**

**57.5 CONFORM TO FUNDING / AMEND** (Judicial Expense Allowance) Provides a \$500 monthly expense allowance to full time judges.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING RECOMMENDATION / AMEND proviso to change “five hundred” to “one thousand” dollars per month. Fiscal Impact: Agency states a projected fiscal impact of \$800,000. Requested by South Carolina Judicial Department.

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

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**SECTION 59 - E200 - OFFICE OF THE ATTORNEY GENERAL**

**59.5 DELETE** (Securities Fee Revenue) Directs that after \$20,500,000 of Securities Fee revenues have been deposited to the General Fund the Attorney General may retain \$400,000 to use for operations associated with the increase in licensed securities agents. Authorizes the Attorney General to carry forward the revenue to use for the same purpose. Requires any remaining Securities Fee revenues be remitted to the General Fund.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *See new proviso 59.sfr.* Requested by Attorney General's Office.

~~**59.5.** (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and upon notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee that such provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by the Office of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may retain the next \$400,000 collected and may utilize these funds for operations to include expert witness expenses, investigative costs, trial preparation, and other related expenses associated with the increase in licensed securities agents. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose. Remaining Securities Fee revenues collected during the current fiscal year shall be remitted to the General Fund of the State.~~

**59.sfr ADD** (Securities Fee Revenue) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the Attorney General's Office to retain 23% of the Securities Fee Revenue after satisfying the requirements of Section 35-1-702(b) [SC UNIFORM SECURITIES ACT OF 2005: FEES; PORTION OF RECOVERY IN CIVIL AND ADMINISTRATIVE ENFORCEMENT ACTIONS RETAINED BY ATTORNEY GENERAL] and to use these retained funds for operating expenses. Require litigation recovery monies, with the exception of reasonable administrative costs, must be deposited into the Litigation Recovery Account with the State Treasurer. Authorize these funds to be carried forward and used for the same purpose. Fiscal Impact: RFAO states this would reduce General Fund departmental securities fee revenue by an estimated \$5,672,000 in FY 2017-18. Requested by Attorney General's Office.

*59.sfr. (Securities Fee Revenue) The Attorney General's Office shall retain 23% of Securities Fee Revenue collected by the Attorney General's Office after satisfying Section 35-1-702(b) of the 1976 Code. These funds shall be expended for operating expenses as determined by the Attorney General. In addition, all monies received from litigation recovery less reasonable administrative expenses incurred must be deposited in the Litigation Recovery Account at the Office of the State Treasurer. The Attorney General's Office shall not retain any portion of these funds beyond reasonable administrative expenses incurred. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose.*

**SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY**

**63.7 DELETE** (Hours of Service Rest Requirements) Directs DPS to establish a policy to allow commercial motor vehicle drivers who are involved in intrastate commerce to use time waiting in their trucks while on the job to satisfy any hours of the 30 minute rest requirements.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Agency states it has satisfied the requirements of this proviso.* Requested by Department of Public Safety.

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~~63.7. (DPS: Hours of Service Rest Requirements) Of the funds directed to the Department of Public Safety, the department shall expend the necessary funds to establish a policy to allow drivers of commercial motor vehicles engaged in intrastate commerce to use time waiting in their trucks while on the job to satisfy any hours of service thirty minute rest requirements. The policy shall then be printed and distributed to the Senate Transportation Committee and the House of Representatives Education and Public Works Committee. In addition, the policy shall be provided to any motor carrier who requests a copy. The department is further instructed to allow the Motor Carrier Advisory Committee to review options that may facilitate adoption of allowable variances from state and federal statutes, rules, and regulations, as well as specific relief for interstate border zone operations.~~

**63.op ADD (Overtime Pay) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require the department to pay current law enforcement officers, by October 1, for any comp time earned and not used in the prior fiscal year. Direct the department to use personal services and/or employer contributions carried forward funds for this purpose.

*63.op. (DPS: Overtime Pay) The department is authorized and required to pay current law enforcement officers, by October 1st of the current fiscal year, 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.*

**SECTION 117 - X900 - GENERAL PROVISIONS**

**117.123 AMEND** (Sentencing Reform Oversight Committee Reauthorization) Reauthorizes the Sentencing Reform Oversight Committee for FY 2016-17 and adds four members to the committee: two members of the House, one appointed by the Speaker of the House and one appointed by the Ways and Means Committee Chairman, and two members of the Senate, one appointed by the President Pro Tempore and one appointed by the Senate Finance Committee Chairman.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change “Fiscal Year 2016-17” to “the current fiscal year.”

**117.123.** (GP: Sentencing Reform Oversight Committee Reauthorization) The Sentencing Reform Oversight Committee established by Chapter 28 of Title 24 of the 1976 Code is reauthorized for ~~Fiscal Year 2016-17~~ *the current fiscal year*, notwithstanding the provisions of Section 24-28-20(c). Four members shall be added to the Sentencing Reform Oversight Committee. Two shall be members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the Chairman of the Ways and Means Committee. Two shall be members of the Senate, one appointed by the President Pro Tempore of the Senate and one appointed by the Chairman of the Senate Finance Committee.

**117.128 DELETE** (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 have provided DOR written notification of election of mode of credit before 7/1/16 and for which a building permit has been issued prior to 7/1/16.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

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~~117.128. (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 2016-17.~~

**117.bc ADD (Statehouse Security Body Cameras) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require all law enforcement officers assigned to the Statehouse grounds and complex to be equipped with a body worn camera while performing their duties.

*117.bc (GP: Statehouse Security Body Cameras) All law enforcement officers assigned to the Statehouse grounds and complex must be equipped with a body worn camera at all times while performing their duties.*

**117.lm ADD (Land Management) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to prohibit DNR, the Forestry Commission and PRT from accepting additional properties until adequate resources have been provided to manage currently owned lands.

*117.lm. (GP: Land Management) The Department of Natural Resources, Forestry Commission, and Department of Parks, Recreation and Tourism may not accept additional properties for management, donated or otherwise, until adequate resources have been provided to manage the lands currently owned.*

**117.scci ADD (Study Committee on Electronic Recording of Custodial Interrogations) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the Judicial Department, Court Administration Program to establish a committee to study statewide implementation of electronic recording of custodial interrogations in their entirety. Provide for the composition of the study committee; direct that Court Administration shall provide staff support; and require the committee submit its findings by March 1, 2018, to the House, Senate and Governor's Office.

*117.scci. (GP: Study Committee on Electronic Recording of Custodial Interrogations) From the funds appropriated to and/or authorized for the Judicial Department, Court Administration Program, the department shall establish a study committee to study statewide implementation of electronic recording of custodial interrogations in their entirety. The committee shall review current written policies, practices and equipment in place at state and local law enforcement agencies for electronically recording custodial interrogations; guidelines for a state model policy on electronically recording custodial interrogations in their entirety, including definition of the term custodial interrogations, the crime categories for which custodial interrogations shall be recorded, exigent circumstances that would exempt an officer from recording an interrogation in its entirety; recommendations for how law enforcement agencies can obtain or access audiovisual or audio-only equipment to record custodial interrogations, anticipating the differences in resources available to large and small agencies; and remedies that the court may consider if a custodial interrogation is not recorded.*

*The study committee shall be comprised of the following:*

- (1) Two members of the Senate appointed by the President Pro Tempore of the Senate;*
- (2) Two members of the House of Representatives appointed by the Speaker of the*

*House;*

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- (3) A representative appointed by the Attorney General;
- (4) Chief of the State Law Enforcement Division;
- (5) A representative of the South Carolina Sheriffs' Association;
- (6) A representative from the South Carolina Commission on Prosecution Coordination;
- (7) A representative of the South Carolina Association for Justice;
- (8) A representative of the South Carolina Association of Criminal Defense Lawyers,

and

- (9) A representative of the Commission on Indigent Defense.

Staff support shall be provided by Court Administration. The committee shall submit a written report of its findings and recommendations to the House of Representatives, the Senate and the Governor's Office no later than March 1, 2018.