**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4629**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Herbkersman

Document Path: l:\council\bills\agm\19892ab10.docx

Companion/Similar bill(s): 1249

Introduced in the House on February 25, 2010

Currently residing in the House Committee on **Ways and Means**

Summary: Criminal domestic violence

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/25/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\02-25-10.docx)‑7

2/25/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\02-25-10.docx)‑8

3/3/2010 House Recalled from Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\03-03-10.docx)‑21

3/3/2010 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2010\03-03-10.docx)‑21

**VERSIONS OF THIS BILL**

[2/25/2010](file:///p:\pprever\2009-10\4629_20100225.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14‑1‑240 SO AS TO IMPOSE A SURCHARGE ON CASES INVOLVING CRIMINAL DOMESTIC VIOLENCE OFFENSES IN A COURT IN THIS STATE, TO PROVIDE FOR THE USE OF THE REVENUE COLLECTED FROM THIS SURCHARGE, TO EXPRESS THE INTENTION THAT THIS REVENUE NOT BE USED TO SUPPLANT EXISTING FUNDING FOR CERTAIN SERVICES RELATED TO THE CRIMINAL DOMESTIC VIOLENCE PROSECUTION, AND TO ENABLE THE STATE AUDITOR TO EXAMINE CERTAIN RELATED FINANCIAL RECORDS AT THE REQUEST OF THE STATE TREASURER.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑240. (A) In addition to all other assessments and surcharges required by law, a one hundred dollar surcharge is levied on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court, the magistrates court, or a municipal court for a criminal domestic violence (CDV) offense. A portion of this surcharge may not be waived, reduced or suspended.

(B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction in which the case was heard or processed and paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transmit these funds among the sixteen judicial circuits on a per capita basis equal to the population in that circuit compared to the population of the State as a whole based on the most recent official United States census. The funds only may be used for a CDV prosecutor, CDV Court, or related CDV treatment court programs.

(C) It is the intent of the General Assembly that the amounts generated by this section must be in addition to amounts presently being provided for CDV prosecution, CDV Court, or domestic violence court programs, and may not be used to supplant funding already allocated for these services.

(D) The State Treasurer may request the State Auditor to examine the financial records of a jurisdiction that he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.”

SECTION 2. This act takes effect upon approval by the Governor.

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