**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4787**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Harrison

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Introduced in the House on March 25, 2010

Currently residing in the House Committee on **Judiciary**

Summary: Victim services

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/25/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\03-25-10.docx)‑21

3/25/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\03-25-10.docx)‑22

**VERSIONS OF THIS BILL**

[3/25/2010](file:///p:\pprever\2009-10\4787_20100325.docx)

**A** **BILL**

TO AMEND SECTION 14‑1‑208, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MUNICIPAL COURT ASSESSMENTS, DISPOSITIONS, FUND RETENTION FOR CRIME VICTIMS’ SERVICES, AND AUDITS, SO AS TO PROVIDE THAT FIFTY PERCENT OF THE FUNDS DESIGNATED FOR REMISSION TO THE MUNICIPALITY MUST BE DISTRIBUTED TO THE APPROPRIATE SOLICITOR’S OFFICE FOR USE IN PROVIDING SERVICES TO VICTIMS OF CRIME; AND TO AMEND SECTION 14‑1‑211, AS AMENDED, RELATING TO GENERAL SESSIONS COURT SURCHARGES, FUND RETENTION FOR CRIME VICTIMS’ SERVICES, REPORTS, AND AUDITS, SO AS TO ADD A FIFTY DOLLAR SURCHARGE ON ALL CONVICTIONS IN MUNICIPAL COURTS AND TO PROVIDE THAT FIFTY PERCENT OF THE FUNDS DESIGNATED FOR REMISSION TO THE MUNICIPALITY MUST BE DISTRIBUTED TO THE APPROPRIATE SOLICITOR’S OFFICE FOR USE IN PROVIDING SERVICES TO VICTIMS OF CRIME.

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

SECTION 1. Section 14‑1‑208(D) of the 1976 Code, as last amended by Act 105 of 1999, is further amended to read:

“(D)(1) The revenue retained by the municipality ~~under~~ pursuant to subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15 ~~of~~, Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. First priority must be given to those victims’ assistance programs which are required by Article 15 ~~of~~, Title 16 and second priority must be given to programs which expand victims’ services beyond those required by Article 15 ~~of~~, Title 16. All unused funds must be carried forward from year to year and used exclusively for the provision of services for victims of crime. All unused funds must be separately identified in the governmental entity’s adopted budget as funds unused and carried forward from previous years.

(2) Fifty percent of the revenue collected pursuant to subsection (B) must be distributed by the municipality to the office of the solicitor for the circuit in which the municipality is located for the purpose of providing services for the victims of crime, including those required by law. All unused funds must be carried forward from year to year. All unused funds must be separately identified in the circuit solicitor’s budget as funds unused and carried forward from previous years.”

SECTION 2. Section 14‑1‑211 of the 1976 Code, as last amended by Act 283 of 2008, is further amended to read:

“Section 14-1-211. (A)(1) In addition to all other assessments and surcharges, a one hundred dollar surcharge is imposed on all convictions obtained in general sessions court ~~and~~, a twenty‑five dollar surcharge is imposed on all convictions obtained in magistrates courts, and a fifty dollar surcharge is imposed on all convictions in municipal courts in this State. The surcharge may not be imposed on convictions for misdemeanor traffic offenses including, but not limited to, violations of Sections 56‑3‑1970, 56‑5‑2510, and 56‑5‑2530, or another state law, municipal ordinance, or county ordinance restricting parking in a prohibited zone or in a parking place clearly designated for handicapped persons. However, the surcharge applies to all violations of Section 56‑5‑2930 and Section 56‑5‑2933. No portion of the surcharge may be waived, reduced, or suspended.

(2) In addition to all other assessments and surcharges, a one hundred dollar surcharge is imposed on all convictions pursuant to Section 56‑5‑2930 and Section 56‑5‑2933. No portion of the surcharges imposed pursuant to this section may be waived, reduced, or suspended.

(B)(1) The revenue collected pursuant to subsection (A)(1) must be retained by the jurisdiction which heard or processed the case and paid to the city or county treasurer, for the purpose of providing services for the victims of crime, including those required by law. Any funds retained by the county or city treasurer pursuant to subsection (A)(1) must be deposited into a separate account for the exclusive use for all activities related to the requirements contained in this provision. For the purpose of funds allocation and expenditure, these funds are a part of the general funds of the city or county. These funds must be appropriated for the exclusive purpose of providing victim services as required by Chapter 3, Article 15 ~~of~~, Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. First priority must be given to those victims’ assistance programs which are required by Chapter 3, Article 15 ~~of~~, Title 16 and second priority must be given to programs which expand victims’ services beyond those required by Chapter 3, Article 15 ~~of~~, Title 16. These funds must be used for, but are not limited to, salaries, equipment that includes computer equipment and internet access, or other expenditures necessary for providing services to crime victims. All unused funds must be carried forward from year to year and used exclusively for the provision of services to the victims of crime. All unused funds must be separately identified in the governmental entity’s adopted budget as funds unused and carried forward from previous years. The revenue collected pursuant to subsection (A)(2) must be paid over to the State Treasurer monthly and placed in a separate account to be used for spinal cord research by the Medical University of South Carolina.

All one‑time operating and administrative costs for municipal and county governments related to computer upgrades or programming related to these surcharges ~~shall~~ must be deducted from the revenue collected pursuant to subsection (A)(2) by municipal and county governments before remission of these funds to the State Treasurer. All operating, personnel, and administrative costs and expenses of the Spinal Cord Injury Research Board and its programs as established in Article 5, Chapter 38 ~~of~~, Title 44, must be paid for through revenue collected pursuant to subsection (A)(2) and deposited in this separate account. A report detailing the use of these funds must be furnished to the General Assembly on an annual basis.

(2) The city treasurer must distribute fifty percent of the revenue collected pursuant to subsection (A)(1) to the office of the solicitor for the circuit in which the city is located for the purpose of providing services for the victims of crime, including those required by law. All unused funds must be carried forward from year to year. All unused funds must be separately identified in the circuit solicitor’s budget as funds unused and carried forward from previous years.

(C) The surcharged revenue retained by the general sessions court, ~~magistrate’s~~ magistrates, or municipal courts in this State pursuant to subsection (B) must be reported by the city or county treasurer to the State Treasurer monthly. All unused funds must be carried forward from year to year and used exclusively for the provision of services to the victims of crime. All unused funds must be separately identified in the governmental entity’s adopted budget as funds unused and carried forward from previous years.

(D) To ensure that surcharges imposed pursuant to this section are properly collected and remitted to the city or county treasurer, the annual independent external audit required to be performed for each municipality pursuant to Section 5‑7‑240 and each county pursuant to Section 4‑9‑150 must include a review of the accounting controls over the collection, reporting, and distribution of surcharges from the point of collection to the point of distribution and a supplementary schedule detailing all surcharges collected at the court level, and the amount remitted to the municipality or county.

(1) The supplementary schedule must include the following elements:

(a) all surcharges collected by the clerk of court for the general sessions, ~~magistrate’s~~ magistrates, or municipal court;

(b) the amount of surcharges retained by the city or county treasurer pursuant to this section;

(c) the amount of surcharges distributed to the circuit solicitor pursuant to subsection (B)(2);

(d) the amount of funds allocated to victim services by fund source; and

~~(d)~~(e) how those funds were expended, and any carry forward balances.

(2) The supplementary schedule must be included in the external auditor’s report by an ‘in relation to’ paragraph as required by generally accepted auditing standards when information accompanies the basic financial statements in auditor submitted documents.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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