COMMITTEE AMENDMENT ADOPTED

April 21, 2010

**S. 314**

Introduced by Senator Fair

S. Printed 4/21/10--S.

Read the first time January 27, 2009.

**A** **BILL**

TO AMEND CHAPTER 1, TITLE 14 OF THE 1976 CODE, RELATING TO MISDEMEANOR TRAFFIC OFFENSES AND NONTRAFFIC VIOLATIONS, BY ADDING SECTION 14‑1‑240, TO IMPOSE AN ADDITIONAL FIVE DOLLAR SURCHARGE ON ALL FINES, FORFEITURES, ESCHEATMENTS, OR OTHER MONETARY PENALTIES FOR MISDEMEANOR TRAFFIC OFFENSES OR FOR NONTRAFFIC VIOLATIONS, AND TO PROVIDE THAT THE SURCHARGE SHALL BE USED TO FUND TRAINING AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY.

Amend Title To Conform

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, a five dollar surcharge is imposed on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates or municipal court for misdemeanor traffic offenses or for nontraffic violations. The surcharge may not be imposed on violations of state laws, municipal ordinances, or county ordinances restricting parking. The surcharge must be used to fund training at the South Carolina Criminal Justice Academy. No portion of the surcharge may be waived, reduced, or suspended.

(B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the South Carolina Law Enforcement Training Council.

(C) The State Treasurer may request the State Auditor to examine the financial records of any 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. As well, the State Auditor shall periodically audit the financial records of jurisdictions pursuant to Section 14-1-210. A jurisdiction that fails to comply with this section is subject to the penalties as provided in Section 14-1-210.”

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

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