



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0289 Introduced on January 24, 2017
Author: Shealy
Subject: South Carolina Crime Victim Services Act
Requestor: Senate Judiciary
RFA Analyst(s): Gardner, Heineman, and Kokolis
Impact Date: March 7, 2017

Estimate of Fiscal Impact

	FY 2017-18	FY 2018-19
State Expenditure		
General Fund	Pending	\$0
Other and Federal	Pending	\$0
Full-Time Equivalent Position(s)	Pending	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

The expenditure impact of this bill is pending, contingent upon a response from the Attorney General’s Office and additional information from the Department of Public Safety. The bill does not have a revenue impact on the General Fund, Other Funds, or Federal Funds.

Explanation of Fiscal Impact

Introduced on January 24, 2017

State Expenditure

This bill creates the South Carolina Crime Victim Services (SCCVS) Division within the Office of the Attorney General. The following entities and their functions are transferred to the new division: (a) the State Office of Victim Assistance, including the Victim’s Compensation Fund and Victims Advisory Board; (b) the South Carolina Crime Victim Ombudsman; and (c) the part of the Department of Public Safety, Office of Highway Safety and Justice Programs that administers specified crime victim assistance grants. The Attorney General appoints the director of the new division. The division is divided into four departments, each with a deputy director appointed by the division director. The four departments are: (1) Crime Victim Compensation, (2) Crime Victim Assistance Grants, (3) Crime Victim Services Training, Provider Certification, and Statistical Analysis, and (4) Crime Victim Ombudsman. In conformity with the restructuring and consolidation of victim services in the Attorney General’s Office, the bill redirects funds currently distributed to the State Office of Victims Assistance to the SCCVS division’s Department of Crime Victim Compensation, Victim’s Compensation Fund. Earmarked Other Funds and Federal Funds of the Department of Public Safety programs would also transfer with the programs to the Attorney General’s Office.

The bill also establishes a procedure for review of complaints against the SCCVS division, which includes appointment of a three-person review panel by the Ombudsman and appeal of the panel's decision to the State Inspector General. The panel is appointed on a rotating basis from the revised 22 member Crime Victim Services Coordinating Council, whose members consist largely of persons involved in criminal justice and victim advocacy.

Currently, an independent external audit of the financial records of each municipality and county is conducted annually. The audit must include a review of fines and assessments collected at the court level, the amounts retained by the county treasurer, the amounts remitted to the State Treasurer, the funds allocated to victim services, and the use of the victim services funds. This bill requires the SCCVS division to develop a Uniform Supplemental Schedule Form to present this data and be included in the external auditor's report.

The bill also codifies, with relevant conforming language, three FY 2016-17 appropriation act provisos. Specifically, the bill codifies provisos 93.35, 117.51, and 117.95. Under specified conditions, proviso 93.35 requires a county or municipality to remit certain unspent funds to the SCCVS division's Department of Crime Victim Assistance Grants and specifies how those funds may be used. Proviso 117.51 consists of provisions related to ensuring the proper expenditure of crime victim funds through audits and budget submissions and includes authority for the SCCVS division to assess a penalty on an entity or nonprofit organization for failure to cooperate with a review or rectify an unauthorized expenditure. The penalty, equal to the amount of the improper expenditure plus \$1,500, is credited to the General Fund. Proviso 117.95 requires the Department of Corrections to transfer \$20,500 each month to the SCCVS division's State Victim Assistance Program.

Department of Public Safety. The department's expenditures will decrease by the expenditures of the Victim Services program, which is transferred to the Attorney General's Office. In addition, the department indicates there may be an expenditure impact to the General Fund because department staff whose duties only partially included provision of victim services will remain with the department, while part of their funding transfers to the Attorney General's Office. Indications are that this expenditure impact would be less than \$50,000. The Revenue and Fiscal Affairs Office is obtaining further clarification regarding these expenditures. As a result, the expenditure impact for the department is pending, contingent upon additional information.

Attorney General's Office. The expenditure impact is undetermined, pending a response from the agency.

Office of the State Treasurer. The agency reports that the implementation of this bill will have minimal expenditure impact and any costs can be absorbed within existing resources.

Department of Administration. The agency's expenditures will be reduced by expenditures that would be made by the State Office of Victim's Assistance and Crime Victims Ombudsman in the performance of their responsibilities, as these entities are transferred to the Attorney General's Office. The agency reports that activities associated with implementing the transfer of

the State Office of Victim's Assistance and Crime Victims Ombudsman to the Attorney General's Office will have minimal expenditure impact that can be absorbed within existing resources.

Office of the State Auditor. The agency reports that the implementation of this bill will not have an expenditure impact to the General Fund, Other Funds, or Federal Funds, as the agency's responsibilities are unchanged.

Office of Inspector General. The agency reports that the implementation of this bill will not have an expenditure impact to the General Fund, Other Funds, or Federal Funds, as review of complaints regarding the SCCVS division is within its scope of work.

State Revenue

Revenue is distributed to different agencies by this bill to conform to the transfer of programs, but the amount of revenue and its use are unchanged.

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director