COMMITTEE REPORT

March 26, 2014

**S. 894**

Introduced by Senator Massey

S. Printed 3/26/14--S.

Read the first time January 14, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 894) to amend Chapter 1, Title 14 of the 1976 Code, relating to general provisions applicable to courts, by adding Section 14‑1‑240, to provide that a five dollar, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking lines 38-42 and inserting:

/ (B) The revenue collected pursuant to subsection (A) must be collected by the jurisdiction which heard or processed the case and transmitted pursuant to the guidelines in Section 14-1-220. The funds should be clearly designated as Criminal Justice Academy Surcharge Collections when transmitted to the municipal and county treasurer and then to the State Treasurer. The State Treasurer shall transfer the revenue quarterly to the South Carolina Criminal Justice Academy. /

Renumber sections to conform.

Amend title to conform.

GREG HEMBREE for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**REVENUE IMPACT 1/**

While this bill codifies Proviso 118.5 of the FY2013-14 Appropriation Act, we expect no additional impact on funds of the Law Enforcement Training Council in FY2014-15.

**Explanation**

This proposed bill codifies Proviso 118.5 of the FY2013-14 Appropriation Act. The House of Representatives approved this same Proviso for FY2014-15. The five dollar surcharge was added as a Proviso in 2009. This surcharge is used to fund training at the South Carolina Criminal Justice Academy and is levied on all fines, forfeitures, escheatments or other monetary penalties imposed in the General Sessions Court, and Magistrates Court and Municipal Court. Based on information obtained from the South Carolina State Treasurer’s Office, this five dollar surcharge generated $3,380,004 in revenue in FY2012-13. As this proposed bill codifies a current Proviso, we expect no additional impact on funds of the Law Enforcement Training Council in FY2014-15.

*Approved By:*

Frank A. Rainwater

Board of Economic Advisors

1/ This statement meets the requirement of Section 2-7-71 for a state revenue impact by the BEA, or Section 2-7-76 for a local revenue impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by the Office of Economic Research.

**A** **BILL**

TO AMEND CHAPTER 1, TITLE 14 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS APPLICABLE TO COURTS, BY ADDING SECTION 14‑1‑240, TO PROVIDE THAT A FIVE DOLLAR SURCHARGE TO FUND TRAINING AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL BE LEVIED 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.

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 to be imposed by law, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied 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. No portion of this surcharge may be waived, reduced, or suspended. The additional surcharge imposed by this section does not apply to parking citations.

(B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction which heard or processed the case and must be paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the South Carolina Criminal Justice Academy.

(C) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which 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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