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Indicates New Matter

AMENDED

May 2, 2017

**S. 289**

Introduced by Senators Shealy, Rankin, McElveen, Sheheen, Hutto and McLeod

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Read the first time April 4, 2017.

**A** **BILL**

TO ENACT THE “SOUTH CAROLINA CRIME VICTIM SERVICES ACT” TO RESTRUCTURE AND CONSOLIDATE VICTIM SERVICES; TO AMEND CHAPTER 7, TITLE 1 OF THE 1976 CODE, RELATING TO THE ATTORNEY GENERAL AND SOLICITORS, BY ADDING ARTICLE 8, TO CREATE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, TO MOVE THE STATE OFFICE OF VICTIM ASSISTANCE, THE SOUTH CAROLINA CRIME VICTIM OMBUDSMAN, AND THAT PORTION OF THE OFFICE OF HIGHWAY SAFETY AND JUSTICE PROGRAMS UNDER THE DEPARTMENT OF PUBLIC SAFETY THAT ADMINISTERS CERTAIN VICTIM SERVICES GRANTS UNDER THE NEWLY CREATED DIVISION, AND TO CREATE FOUR DEPARTMENTS UNDER THE DIVISION TO OVERSEE AND ADMINISTER DIFFERENT ASPECTS OF THE VICTIM SERVICES DELIVERY SYSTEM; TO AMEND SECTION 1‑11‑10(A), RELATING TO OFFICES AND DIVISIONS UNDER THE DEPARTMENT OF ADMINISTRATION, TO DELETE THOSE VICTIM SERVICES OFFICES AND OTHER ENTITIES THAT ARE MOVED TO THE NEW DIVISION; TO AMEND SECTIONS 14‑1‑203, 14‑1‑204(A), 14‑1‑205, 14‑1‑206(C), 14‑1‑207(C), 14‑1‑208(C), AND 14‑1‑210(A), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THAT PORTION OF THE FEES DISTRIBUTED TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 16‑3‑1110, 16‑3‑1120, 16‑3‑1140, 16‑3‑1150, 16‑3‑1160, 16‑3‑1170, 16‑3‑1180, 16‑3‑1220, 16‑3‑1230, 16‑3‑1240, 16‑3‑1260, 16‑3‑1290, 16‑3‑1330, 16‑3‑1340, AND 16‑3‑1350, RELATING TO THE COMPENSATION OF VICTIMS OF CRIME, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND AND CERTAIN RESPONSIBILITIES OF THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM COMPENSATION; TO AMEND ARTICLE 14, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE “CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS,” TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM SERVICES TRAINING, PROVIDER CERTIFICATION, AND STATISTICAL ANALYSIS, AND ITS RESPONSIBILITIES, TO MAKE CONFORMING CHANGES TO THE VICTIM SERVICES COORDINATING COUNCIL, AND TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION SHALL SERVE AS CHAIRPERSON; TO AMEND ARTICLE 16, CHAPTER 3, TITLE 16, TO RENAME THE ARTICLE “CRIME VICTIM OMBUDSMAN,” TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES ALL GENERALLY RELATING TO THE NEWLY CREATED OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM OMBUDSMAN AND ITS RESPONSIBILITIES, AND TO PROVIDE A PROCEDURE FOR COMPLAINTS REGARDING THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION AND ITS AFFILIATED DEPARTMENTS TO BE HANDLED THROUGH THE OMBUDSMAN WITH APPEAL TO THE STATE INSPECTOR GENERAL; TO AMEND CHAPTER 3, TITLE 16, BY ADDING ARTICLE 12, TO ENTITLE THE ARTICLE “CRIME VICTIM ASSISTANCE GRANTS,” AND TO PROVIDE THAT THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS WILL BE RUN BY A DEPUTY DIRECTOR WHO SHALL ESTABLISH A PROCESS TO SOLICIT AND ADMINISTER CERTAIN VICTIM SERVICES GRANTS AND THE DISBURSEMENT OF FUNDS FROM THOSE GRANTS; TO AMEND SECTIONS 23‑6‑500, 23‑6‑510, AND 23‑6‑520, RELATING TO THE SOUTH CAROLINA PUBLIC SAFETY COORDINATING COUNCIL, TO MAKE CONFORMING CHANGES TO INCLUDE THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION, DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS IN THE GRANT PROCESS UNDER CERTAIN CIRCUMSTANCES, AND TO REVISE THE COUNCIL’S MEMBERSHIP TO INCLUDE THE ATTORNEY GENERAL AND A VICTIM WITH A DOCUMENTED HISTORY OF VICTIMIZATION APPOINTED BY THE ATTORNEY GENERAL; TO AMEND SECTION 16‑5‑445(C), RELATING TO THE SEIZURE AND FORFEITURE OF EQUIPMENT USED IN VIOLATION OF A CRIME, AND SECTION 24‑3‑40(A)(2)(b), RELATING TO THE PRISON INDUSTRIES PROGRAM AND DISTRIBUTION OF PRISONER WAGES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY RELATING TO THE VICTIM COMPENSATION FUND; TO AMEND SECTIONS 14‑1‑206(E), 14‑1‑207(E), AND 14‑1‑208(E), RELATING TO THE DISTRIBUTION OF CERTAIN FILING FEES, TO MAKE CONFORMING CHANGES REFLECTING THE RESTRUCTURING OF VICTIM SERVICES GENERALLY, AND TO PROVIDE FOR THE UNIFORM SUPPLEMENTAL SCHEDULE FORM TO BE DEVELOPED BY THE OFFICE OF THE ATTORNEY GENERAL, SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION; AND BY ADDING SECTIONS 14‑1‑211.5, 14‑1‑211.6, AND 14‑1‑211.7, TO CODIFY EXISTING BUDGET PROVISOS RELATING TO THE DISTRIBUTION OF CERTAIN CRIME VICTIM FUNDS, TO PROVIDE FOR THE AUTHORITY OF THE VICTIM COMPENSATION FUND TO TRANSFER ANY STATE FUNDS DEEMED AVAILABLE TO THE DEPARTMENT OF CRIME VICTIM ASSISTANCE GRANTS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR AUDITING AND REPORTING PROCEDURES FOR VICTIM SERVICES PROVIDERS, AND TO TRANSFER A CERTAIN SUM FROM THE DEPARTMENT OF CORRECTIONS TO THE SOUTH CAROLINA CRIME VICTIM SERVICES DIVISION.

Amend Title To Conform

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

SECTION 1. This act may be cited as the “South Carolina Crime Victim Services Act.”

PART I

Restructure and Consolidation of Victim Services

SECTION 2. Chapter 7, Title 1 of the 1976 Code is amended by adding:

”Article 8

South Carolina Crime Victim Services

Section 1‑7‑1100. The following agencies, boards, and commissions, including all the allied, advisory, affiliated, or related entities, as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Office of the Attorney General, South Carolina Crime Victim Services Division:

(1) State Office of Victim Assistance, provided for in Articles 13 and 14, Chapter 3, Title 16;

(2) South Carolina Crime Victim Ombudsman, provided for in Article 16, Chapter 3, Title 16;

(3) that portion of the Office of Highway Safety and Justice Programs of the Department of Public Safety that administers the Victims of Crime Act grants, the Violence Against Women Act grants, and the State Victim Assistance Program grants;

(4) on July 1, 2018, those grants and awards available under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, the Residential Substance Abuse Treatment for State Prisoners (RSAT) Program, the Paul Coverdell Forensic Science Improvement Grant Program (the Coverdell law), Title II Formula Grants Program, the Bulletproof Vest Partnership (BVP), Juvenile Accountability Block Grants (JABG), and Statistical Analysis Center grant program.

Section 1‑7‑1110. (A) There is created the South Carolina Crime Victim Services (SCCVS) Division in the Office of the Attorney General under the Attorney General’s authority. The division must be headed by a director appointed by the Attorney General who shall hold office until his successor is appointed and qualified. There are created four departments within the division, the:

(1) Department of Crime Victim Compensation;

(2) Department of Crime Victim Assistance Grants;

(3) Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis; and

(4) Department of Crime Victim Ombudsman.

The director shall appoint the three deputy directors, pursuant to items (1), (2), and (3), and the Ombudsman.”

(B) Information including, but not limited to, all papers, files, or investigative materials requested or voluntarily provided and received by any department of the Office of the Attorney General, South Carolina Crime Services Division relating to a particular victim of crime, is confidential and retains its confidential status at all times and may not be shared with other divisions or departments within the Office of the Attorney General in order to pursue prosecution of that victim. In addition, confidential information as defined in this section is not subject to release pursuant to Chapter 4, Title 30, the Freedom of Information Act.

SECTION 3. Section 1‑11‑10(A) of the 1976 Code is amended to read:

“Section 1‑11‑10. (A) There is hereby created, within the executive branch of the state government, the Department of Administration, headed by a director appointed by the Governor upon the advice and consent of the Senate who only may be removed pursuant to Section 1‑3‑240(B). Effective July 1, 2015, the following offices, divisions, or components of the former State Budget and Control Board, Office of the Governor, or other agencies are transferred to, and incorporated into, the Department of Administration:

(1) the Division of General Services, including Business Operations, Facilities Management, State Building and Property Services, and Agency Services, including surplus property, intrastate mail, parking, state fleet management, except that the Division of General Services shall not be transferred to the Department of Administration until the Director of the Department of Administration enters into a memorandum of understanding with appropriate officials of applicable legislative and judicial agencies or departments meeting the requirements of this subsection. There shall be a single memorandum of understanding involving the Department of Administration and the legislative and judicial branches with appropriate officials of each to be signatories to the memorandum of understanding.

(a) The memorandum of understanding shall provide for:

(i) continued use of existing office space;

(ii) a method for the allocation of new, additional, or different office space;

(iii) adequate parking;

(iv) a method for the allocation of new, additional, or different parking;

(v) the provision of appropriate levels of electrical, mechanical, maintenance, energy management, fire protection, custodial, project management, safety and building renovation, and other services currently provided by the General Services Division of the State Budget and Control Board;

(vi) the provision of water, electricity, steam, and chilled water to the offices, areas, and facilities occupied by the applicable agencies;

(vii) the ability for each agency or department to maintain building access control for its allocated office space; and

(viii) access control for the Senate and House chambers and courtrooms as appropriate.

(b) The parties may modify the memorandum of understanding by mutual consent at any time.

(c) The General Services Division must provide the services described in subsection (a) and any other maintenance and support, at a level that is greater than or equal to what is provided prior to the effective date of this act, to each building on the Capitol Complex, including the Supreme Court, without charge. The General Services Division must coordinate with the appropriate officials of applicable legislative and judicial agencies or departments when providing these services to the buildings and areas controlled by those agencies;

(2) the State Office of Human Resources;

(3) the Guardian Ad Litem Program as established in Article 5, Chapter 11, Title 63;

(4) the Office of Economic Opportunity, the office designated by the Governor to be the state administering agency that is responsible for the receipt and distribution of the federal funds as allocated to South Carolina for the implementation of Title VI, Public Law 97‑35;

(5) the Developmental Disabilities Council as established by Executive Order in 1971 and reauthorized in 2010;

(6) the Continuum of Care for Emotionally Disturbed Children as established in Article 13, Chapter 11, Title 63;

(7) the Division for Review of the Foster Care of Children as established by Article 7, Chapter 11, Title 63;

(8) the Children’s Case Resolution System as established by Article 11, Chapter 11, Title 63;

(9) the Client Assistance Program;

(10) the Division of Veterans’ Affairs as established by Chapter 11, Title 25;

(11) the Commission on Women as established by Chapter 15, Title 1;

(12) ~~the Office of Victims Assistance, including the South Carolina Victims Advisory Board and the Victims Compensation Fund, both as established by Article 13, Chapter 3, Title 16;~~

~~(13)~~ ~~the Crime Victims’ Ombudsman as established by Article 16, Chapter 3, Title 16;~~

~~(14)~~ the Governor’s Office of Ombudsman;

~~(15)~~(13) the Division of Small and Minority Business Contracting and Certification, as established pursuant to Article 21, Chapter 35, Title 11, formerly known as the Small and Minority Business Assistance Office;

~~(16)~~(14) the Division of State Information Technology, including the Data Center, Telecommunications and Information Technology Services, the South Carolina Enterprise Information System, and the Division of Information Security; and

~~(17)~~(15) the Nuclear Advisory Council as established in Article 9, Chapter 7, Title 13.”

PART II

Conforming Changes

SECTION 4. A. Section 14‑1‑203 of the 1976 Code is amended to read:

“Section 14‑1‑203. The revenue from the fee set in Section 63‑3‑370(C) must be remitted to the county in which the proceeding is instituted. Forty‑four percent of the revenues must be remitted monthly by the fifteenth day of each month to the State Treasurer on forms in a manner prescribed by him. When payment is made to the county in installments, the state’s portion must be remitted to the State Treasurer by the county treasurer on a monthly basis. The forty‑four percent remitted to the State Treasurer must be deposited as follows:

(1) 43.76 percent to the general fund;

(2) 10.04 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department’s addiction center facilities;

(3) 6.20 percent to the ~~State Office of Victim Assistance under the South Carolina Victim’s Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund; and

(4) 40.00 percent to the South Carolina Judicial Department.”

B. Section 14‑1‑204(A) of the 1976 Code is amended to read:

“Section 14‑1‑204. (A) The one hundred dollar filing fee for documents and actions described in Section 8‑21‑310(11)(a) must be remitted to the county in which the proceeding is instituted, and fifty‑six percent of these filing fee revenues must be delivered to the county treasurer to be remitted monthly by the fifteenth day of each month to the State Treasurer. When a payment is made to the county in installments, the state’s portion must be remitted to the State Treasurer by the county treasurer on a monthly basis.

The fifty‑six percent of the one‑hundred‑dollar fee prescribed in Section 8‑21‑310(11)(a) remitted to the State Treasurer must be deposited as follows:

(1) 31.52 percent to the state general fund;

(2) 7.23 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department’s addiction center facilities;

(3) 4.47 percent to the ~~State Office of Victim Assistance under the South Carolina Victim’s Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund;

(4) 26.78 percent to the Defense of Indigents Per Capita Fund, administered by the Commission on Indigent Defense, which shall then distribute these funds on December thirty‑first and on June thirtieth of each year to South Carolina organizations that are grantees of the Legal Services Corporation, in amounts proportionate to each recipient’s share of the state’s poverty population; and

(5) 30.00 percent to the South Carolina Judicial Department.”

C. Section 14‑1‑205 of the 1976 Code is amended to read:

“Section 14‑1‑205. Except as provided in Sections 17‑15‑260, 34‑11‑90, ~~50‑1‑150, 50‑1‑170,~~ and 56‑5‑4160, on January 1, 1995, fifty‑six percent of all costs, fees, fines, penalties, forfeitures, and other revenues generated by the circuit courts and the family courts, except the ~~seventy~~ one hundred dollar filing fee prescribed in Section 8‑21‑310(11)(a) must be remitted to the county in which the proceeding is instituted and forty‑four percent of the revenues must be delivered to the county treasurer to be remitted monthly by the fifteenth day of each month to the State Treasurer on forms and in a manner prescribed by him. When a payment is made to the county in installments, the state’s portion must be remitted to the State Treasurer by the County Treasurer on a monthly basis. The forty‑four percent remitted to the State Treasurer must be deposited as follows:

(1) 72.93 percent to the general fund;

(2) 16.73 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department’s addiction center facilities;

(3) 10.34 percent to the ~~State Office of Victim Assistance under the South Carolina Victim’s Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund.

In any court, when sentencing a person convicted of an offense which has proximately caused physical injury or death to the victim, the court may order the defendant to pay a restitution charge commensurate with the offense committed, not to exceed ten thousand dollars, to the ~~Victim’s Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund.”

D. Section 14‑1‑206(C) and (D) of the 1976 Code is amended to read:

“(C) After deducting amounts provided pursuant to Section 14‑1‑210, the State Treasurer shall deposit the balance of assessments received as follows:

(1) 42.08 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13 of Title 24;

(2) 14.74 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;

(3) .45 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus to defray the costs of maintaining and operating the Hall of Fame;

(4) 14.46 percent to the Office of Indigent Defense for the defense of indigents;

(5) 11.83 percent for the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund;

(6) 15.39 percent to the general fund;

(7) .89 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, ‘complex criminal litigation’ means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant’s counsel, and the county involved has expended more than two hundred fifty thousand dollars for a particular case in direct support of operating the court of general sessions and for prosecution related expenses. The Attorney General shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund; however, money disbursed from this fund must be disbursed on a ‘first received, first paid’ basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year; and

(8) .16 percent to the Office of the State Treasurer to defray the administrative expenses associated with collecting and distributing the revenue of these assessments.

(D) The revenue retained by the county under 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, Chapter 3, ~~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, Chapter 3, ~~of~~ Title 16 and second priority must be given to programs which expand victims' services beyond those required by Article 15, Chapter 3, ~~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.”

E. Section 14‑1‑207(C) and (D) of the 1976 Code is amended to read:

“(C) After deducting amounts provided pursuant to Section 14‑1‑210, the State Treasurer shall deposit the balance of the assessments received as follows:

(1) 32.36 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13, ~~of~~ Title 24;

(2) 20.72 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;

(3) .60 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus to defray the costs of maintaining and operating the Hall of Fame;

(4) 18.82 percent for the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund;

(5) 15.93 percent to the general fund;

(6) 10.49 percent to the Office of Indigent Defense for the defense of indigents;

(7) .92 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, ‘complex criminal litigation’ means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant’s counsel and the county involved has expended more than two hundred fifty thousand dollars for a particular case in direct support of operating the court of general sessions and for prosecution related expenses. The Attorney General shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund; however, money disbursed from this fund must be disbursed on a ‘first received, first paid’ basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year; and

(8) .16 percent to the Office of the State Treasurer to defray the administrative expenses associated with collecting and distributing the revenue of these assessments.

(D) The revenue retained by the county under 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, Chapter 3, ~~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, Chapter 3, ~~of~~ Title 16 and second priority must be given to programs which expand victims' services beyond those required by Article 15, Chapter 3, ~~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.”

F. Section 14‑1‑208(C) and (D) of the 1976 Code is amended to read:

“(C) After deducting amounts provided pursuant to Section 14‑1‑210, the State Treasurer shall deposit the balance of the assessments received as follows:

(1) 14.04 percent for programs established pursuant to Chapter 21 of Title 24 and the Shock Incarceration Program as provided in Article 13, Chapter 13, ~~of~~ Title 24;

(2) 13.89 percent to the Law Enforcement Training Council for training in the fields of law enforcement and criminal justice;

(3) .36 percent to the Department of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the Department of Public Safety, the department may retain, carry forward, and expend the surplus for the purpose of defraying the costs of maintaining and operating the Hall of Fame;

(4) 10.38 percent for the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund;

(5) 11.53 percent to the general fund;

(6) 10.56 percent to the Office of Indigent Defense for the defense of indigents;

(7) .89 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department’s addiction center facilities;

(8) .54 percent to the Office of the Attorney General for a fund to provide support for counties involved in complex criminal litigation. For the purposes of this item, ‘complex criminal litigation’ means criminal cases in which the State is seeking the death penalty and has served notice as required by law upon the defendant’s counsel and the county involved has expended more than one hundred thousand dollars for a particular case in direct support of operating the court of general sessions and for prosecution‑related expenses. The Attorney General shall develop guidelines for determining what expenses are reimbursable from the fund and shall approve all disbursements from the fund. Funds must be paid to a county for all expenditures authorized for reimbursement under this item except for the first one hundred thousand dollars the county expended in satisfying the requirements for reimbursement from the fund; however, money disbursed from this fund must be disbursed on a ‘first received, first paid’ basis. When revenue in the fund reaches five hundred thousand dollars, all revenue in excess of five hundred thousand dollars must be credited to the general fund of the State. Unexpended revenue in the fund at the end of the fiscal year carries over and may be expended in the next fiscal year;

(9)(a) 9.16 percent to the Department of Public Safety for the programs established pursuant to Section 56‑5‑2953(E); and

(b) 1.31 percent to SLED for the programs established pursuant to Section 56‑5‑2953(E);

(10) 13.61 percent to the Governor’s Task Force on Litter and in the expenditure of these funds, the provisions of Chapter 35, ~~of~~ Title 11 do not apply;

(11) 13.61 percent to the Department of Juvenile Justice. The Department of Juvenile Justice must apply the funds generated by this item to offset the nonstate share of allowable costs of operating juvenile detention centers so that per diem costs charged to local governments utilizing the juvenile detention centers do not exceed twenty‑five dollars a day. Notwithstanding this provision of law, the director of the department may waive, reduce, defer, or reimburse the charges paid by local governments for juvenile detention placements. The department may apply the remainder of the funds generated by this item, if any, to operational or capital expenses associated with regional evaluation centers; and

(12) .12 percent to the Office of the State Treasurer to defray the administrative expenses associated with the collecting and distributing the revenue of these assessments.

(D) The revenue retained by the municipality under 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, Chapter 3, ~~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, Chapter 3, ~~of~~ Title 16 and second priority must be given to programs which expand victims' services beyond those required by Article 15, Chapter 3, ~~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.”

G. Section 14‑1‑210(A) of the 1976 Code is amended to read:

“Section 14‑1‑210. (A) Based upon a random selection process, the State Auditor shall periodically examine the books, accounts, receipts, disbursements, vouchers, and any records considered necessary of the county treasurers, municipal treasurers, county clerks of court, magistrates, and municipal courts to report whether or not the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated, or both, by law in family court, circuit court, magistrates court, and municipal court are properly collected and remitted to the State. In addition, these audits shall determine if the proper amount of funds have been reported, retained, and allocated for victim services in accordance with the law. These audits must be performed in accordance with standard auditing practices to include the right to respond to findings before the publishing of the audit report. The State Auditor shall submit a copy of the completed audit report to the chairmen of the House Ways and Means Committee, Senate Finance Committee, House Judiciary Committee, Senate Judiciary Committee, and the Governor. If the State Auditor finds that a jurisdiction has over remitted the state’s portion of the funds collected by the jurisdiction or over reported or over retained crime victim funds, the State Auditor shall notify the State Treasurer to make the appropriate adjustment to that jurisdiction. If the State Auditor finds that a jurisdiction has under remitted, incorrectly reported, incorrectly retained, or incorrectly allocated the State or victim services portion of the funds collected by the jurisdiction, the State Auditor shall determine where the error was made. If the error is determined to have been made by the county or municipal treasurer’s office, the State Auditor shall notify the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation for the crime victim portion and the chief administrator of the county or municipality of the findings and, if full payment has not been made by the county or municipality within ninety days of the audit notification, the State Treasurer shall adjust the jurisdiction’s State Aid to Subdivisions Act funding in an amount equal to the amount determined by the State Auditor to be the state’s portion; or equal to the amount incorrectly reported, retained, or allocated pursuant to Sections 14‑1‑206, 14‑1‑207, 14‑1‑208, and 14‑1‑211.

If an error is determined to have been made at the magistrate, municipal, family, or circuit courts, the State Auditor shall notify the responsible office, their supervising authority, and the chief justice of the State. If full payment has not been made by the court within ninety days of the audit notification, the chief magistrate or municipal court or clerk of court shall remit an amount equal to the amount determined by the State Auditor to be the state’s portion or the crime victim fund portion within ninety days of the audit notification.”

SECTION 5. A. Section 16‑3‑1110 of the 1976 Code is amended to read:

“Section 16‑3‑1110. (A) For the purpose of this article and Articles 14 and 15 of this chapter:

(1) ‘Board’ means the South Carolina Crime ~~Victim’s~~ Victim Advisory Board.

(2) ‘Claimant’ means any person filing a claim pursuant to this article.

(3) ‘Fund’ means the South Carolina ~~Victim’s~~ Victim Compensation Fund, which is ~~a division of the Office of the Governor~~ administered by the Office of the Attorney General, South Carolina Crime Victim Services Division.

(4) ‘Director’ means the Director of the ~~Victim’s Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division who is appointed by the ~~Governor~~ Attorney General. ~~The director shall be in charge of the State Office of Victim’s Assistance which is part of this division under the supervision of the Governor.~~

(5) ‘Field representative’ means a field representative of the ~~State Victim’s Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation assigned to handle a claim.

(6) ‘Crime’ means an act which is defined as a crime by state, federal, or common law, including terrorism as defined in Section 2331 of Title 18, United States Code. Unless injury or death was recklessly or intentionally inflicted, ‘crime’ does not include an act involving the operation of a motor vehicle, boat, or aircraft.

(7) ‘Recklessly or intentionally’ inflicted injury or death includes, but is not limited to, injury or death resulting from an act which violates Sections 56‑5‑1210, 56‑5‑2910, 56‑5‑2920, or 56‑5‑2930 or from the use of a motor vehicle, boat, or aircraft to flee the scene of a crime in which the driver of the motor vehicle, boat, or aircraft knowingly participated.

(8) ‘Victim’ means a person who suffers direct or threatened physical, emotional, or financial harm as the result of an act by someone else, which is a crime. The term includes immediate family members of a homicide victim or of any other victim who is either incompetent or a minor and includes an intervenor. The term also includes a minor who is a witness to a domestic violence offense pursuant to Section 16‑25‑20 or Section 16‑25‑65.

(9) ‘Intervenor’ means a person other than a law enforcement officer performing normal duties, who goes to the aid of another, acting not recklessly, to prevent the commission of a crime or lawfully apprehend a person reasonably suspected of having committed a crime.

(10) ~~‘Deputy director’ means the Deputy Director of the Victim’s Compensation Fund.~~

~~(11)~~ ‘Panel’ means a three‑member panel of the board designated by the board chairman to hear appeals.

~~(12)(a)~~(11) ‘Restitution’ means payment for all injuries, specific losses, and expenses sustained by a crime victim resulting from an offender’s criminal conduct. It includes, but is not limited to:

~~(i)~~(a) medical and psychological counseling expenses;

~~(ii)~~(b) specific damages and economic losses;

~~(iii)~~(c) funeral expenses and related costs;

~~(iv)~~(d) vehicle impoundment fees;

~~(v)~~(e) child care costs; and

~~(vi)~~(f) transportation related to a victim’s participation in the criminal justice process.

(B) Restitution does not include awards for pain and suffering, wrongful death, emotional distress, or loss of consortium.

Restitution orders do not limit any civil claims a crime victim may file.

(C) Notwithstanding any other provision of law, the applicable statute of limitations for a crime victim, who has a cause of action against an incarcerated offender based upon the incident which made the person a victim, is tolled and does not expire until three years after the offender’s release from the sentence including probation and parole time or three years after release from commitment pursuant to Chapter 48 of Title 44, whichever is later. However, this provision shall not shorten any other tolling period of the statute of limitations which may exist for the crime victim.”

B. Section 16‑3‑1120 of the 1976 Code is amended to read:

“Section 16‑3‑1120. (A) A director of the ~~Victim’s Compensation Fund~~ South Carolina Crime Victim Services Division must be appointed by the ~~Governor~~ Attorney General and shall serve at his pleasure. The director is responsible for administering the provisions of this article. Included among the duties of the director is the responsibility, with approval of the South Carolina Crime ~~Victim’s~~ Victim Advisory Board as established in this article, for developing and administering a plan for informing the public of the availability of the benefits provided under this article and procedures for filing claims for the benefits.

(B) The director, upon approval by the South Carolina Crime ~~Victim’s~~ Victim Advisory Board, has the following additional powers and duties:

(1) to appoint a deputy director of the ~~Victim’s Compensation Fund~~ Department of Crime Victim Compensation, and staff necessary for the operation ~~thereof~~ of the department, and to contract for services. The director shall recommend the salary for the deputy director and other staff members, as allowed by statute or applicable law;

(2) ~~the board shall promulgate regulations to carry out the provisions and purposes of this article and Article 14 of this chapter. Regulations pertaining to this article and Article 14 of this chapter in effect on July 1, 1993, shall remain in full force and effect until otherwise amended as provided by law;~~

~~(3)~~ to request from the Attorney General, South Carolina Law Enforcement Division, solicitors, magistrates, judges, county and municipal police departments, and any other agency or department such assistance and data as will enable the director to determine whether, and the extent to which, a claimant qualifies for awards. Any person, agency, or department listed above is authorized to provide the director with the information requested upon receipt of a request from the director. Any provision of law providing for confidentiality of juvenile records does not apply to a request of the deputy director, the director, the board, or a panel of the board pursuant to this section;

~~(4)~~(3) to ~~reinvestigate or~~ reopen previously decided award cases as the director or deputy director considers necessary;

~~(5)~~(4) to require the submission of medical records as are needed by the board, a panel of the board, or deputy director or his staff and, when necessary, to direct medical examination of the victim;

~~(6)~~(5) to take or cause to be taken affidavits or depositions within or without the State. This power may be delegated to the deputy director or the board or its panel;

~~(7)~~(6) to render each year to the Governor and to the General Assembly a written report of the activities of the ~~Victim’s Compensation Fund~~ Department of Crime Victim Compensation and the Victim Compensation Fund pursuant to this article;

~~(8)~~(7) to delegate the authority to the deputy director to reject incomplete claims for awards or assistance;

~~(9)~~(8) to render awards to victims of crime or to those other persons entitled to receive awards in the manner authorized by this article. The power may be delegated to the deputy director;

~~(10)~~(9) to apply for funds from, and to submit all necessary forms to, any federal agency participating in a cooperative program to compensate victims of crime;

~~(11)~~(10) to delegate to the board or a panel of the board on appeal matters any power of the director or deputy director.”

C. Section 16‑3‑1140 of the 1976 Code is amended to read:

“Section 16‑3‑1140. ~~(1)~~(A) The claimant may, within thirty days after receipt of the report of the decision of the ~~Deputy Director~~ deputy director, make an application in writing to the ~~Deputy Director~~ deputy director for review of the decision.

~~(2)~~(B) Upon receipt of an application for review pursuant to subsection ~~(1) of this section~~ (A), the ~~Deputy Director~~ deputy director shall forward all relevant documents and information to the Chairman of the Crime ~~Victim’s~~ Victim Advisory Board. The ~~Chairman~~ chairman shall appoint a three‑member panel of the Board which shall review the records and affirm or modify the decision of the ~~Deputy Director~~ deputy director; provided, that the ~~Chairman~~ chairman may order, in his discretion, that any particular case must be heard by the full ~~Board~~ board. If considered necessary by the ~~Board~~ board or its panel or if requested by the claimant, the ~~Board~~ board or its panel shall order a hearing prior to rendering a decision. At the hearing any relevant evidence, not legally privileged, is admissible. The ~~Board~~ board or its panel shall render a decision within ninety days after completion of the investigation. The action of the ~~Board~~ board or its panel is final and nonappealable. If the ~~Deputy Director~~ deputy director receives no application for review pursuant to subsection ~~(1)~~(A), his decision becomes the final decision of the ~~Victim’s Compensation Fund~~ Department of Crime Victim Compensation.

~~(3)~~(C) The ~~Board~~ board or its panel, for purposes of this article, may subpoena witnesses, administer or cause to be administered oaths, and examine such parts of the books and records of the parties to proceedings as relate to questions in dispute.

~~(4)~~(D) The ~~Deputy Director~~ deputy director shall within ten days after receipt of the ~~Board’s~~ board’s or panel’s final decision make a report to the claimant including a copy of the final decision and the reasons why the decision was made.”

D. Section 16‑3‑1150 of the 1976 Code is amended to read:

“Section 16‑3‑1150. Notwithstanding the provisions of Section 16‑3‑1130, if it appears to the deputy director that the claim is one with respect to which an award probably will be made and undue hardship will result to the claimant, if immediate payment is not made, the deputy director may make one or more emergency awards to the claimant pending a final decision in the case, provided that:

~~(a)~~(1) the amount of each emergency award shall not exceed five hundred dollars~~,~~;

~~(b)~~(2) the total amount of such emergency awards shall not exceed one thousand dollars~~,~~;

~~(c)~~(3) the amount of such emergency awards must be deducted from any final award made to the claimant~~,~~; and

~~(d)~~(4) the excess of the amount of any emergency award over the amount of the final award, or the full amount of any emergency award if no final award is made, must be repaid by the claimant to the ~~Victim’s~~ Victim Compensation Fund as created by this article.”

E. Section 16‑3‑1160 of the 1976 Code is amended to read:

“Section 16‑3‑1160. (A) There is created a board to be known as the South Carolina Crime ~~Victim’s~~ Victim Advisory Board to consist of eleven members to be appointed by the ~~Governor~~ Attorney General. Of the original seven members, at least two of the members shall have been admitted to practice law in this State for not less than five years next preceding their appointment, one member shall be a physician licensed to practice medicine under the laws of this State, and one member shall have at least four years’ administrative experience in a court‑related Victim’s Assistance Fund, provided that such a qualified person is available. Of the four additional members, one must be a law enforcement officer with at least five years’ administrative experience, one shall have at least five years’ experience in directing sexual assault prevention or treatment services, one shall have at least five years’ experience in providing services for domestic violence victims, and one shall have been a victim of crime.

(B) The term of office of each appointed member is five years and until his successor is appointed and qualified. Of those seven members first appointed, two shall serve for a term of one year, two for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, with the initial terms to be designated by the ~~Governor~~ Attorney General when making the initial appointments. The initial terms of four additional members to be appointed as provided ~~herein~~ in this section are for two, three, four, and five years, respectively, the initial term of each member to be designated by the ~~Governor~~ Attorney General when making the appointment. The ~~Governor~~ Attorney General shall select a chairman. The board may elect a secretary and other officers as deemed necessary.

(C) Any vacancy must be filled for the remainder of the unexpired term by appointment in the same manner of the initial appointments. On June 30, 2017, the terms of the members of the board currently serving shall terminate, and members serving on that date, or subsequently appointed by the Attorney General, are eligible for reappointment at the discretion of the Attorney General.

The board shall meet at least twice each year and must be subject to the call of the ~~chairman~~ chairperson, to consider improvements in and monitor the effectiveness of the ~~Victim’s~~ Victim Compensation Fund, and to review and comment on the budget and approve the regulations pertaining to the ~~Victim’s~~ Victim Compensation Fund ~~of this article~~ and the Victim/Witness Assistance Program of Article 14 ~~of this chapter~~. The members of the board shall receive the same subsistence, mileage, and per diem as is provided by law for members of state boards, committees, and commissions, to be paid from the ~~Victim’s~~ Victim Compensation Fund as created by this article.”

F. Section 16‑3‑1170 of the 1976 Code is amended to read:

“Section 16‑3‑1170. (A) No award may be made unless:

(1) a crime was committed;

(2) the crime directly resulted in physical or psychic trauma to the victim;

(3) the crime was promptly reported to the proper authority and recorded in police records; and

(4) the claimant or other award recipient has fully cooperated with all law enforcement agencies and with the ~~South Carolina Victim’s Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation.

(B) For the purposes of ~~item (3) of~~ subsection (A)(3), a crime reported more than forty‑eight hours after its occurrence is not ‘promptly reported’, absent a showing of special circumstances or causes which justify the delay.”

G. Section 16‑3‑1180(C) and (E) of the 1976 Code is amended to read:

“(C) The aggregate of award to and on behalf of victims may not exceed fifteen thousand dollars unless the Crime ~~Victim’s~~ Victim Advisory Board, by two‑thirds vote, and the director concur that extraordinary circumstances exist. In this case, the award may not exceed twenty‑five thousand dollars.”

“(E) A previously decided award may be reopened for the purpose of increasing the compensation previously awarded, subject to the maximum provided in this article. In this case the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation shall send immediately to the claimant a copy of the notice changing the award. This review may not affect the award as regards any monies paid, and the review may not be made after eighteen months from the date of the last payment of compensation pursuant to an award under this article unless the director or deputy director determines there is a need to reopen the case as specified in Section ~~16-3-1120(4)~~ 16-3-1120(B)(3).”

H. Section 16‑3‑1220 of the 1976 Code is amended to read:

“Section 16‑3‑1220. A person listed in Section 16‑3‑1210~~(1)~~ is not eligible to recover under this article if the person:

(1) committed or aided in the commission of the crime upon which the claim is based or engaged in other unlawful activity which contributed to or aggravated the resulting injury;

(2) is the surviving parent, spouse, or dependent of a deceased victim who would have been barred by subsection (1) had he survived;

(3) is a dependent of the offender who committed the crime upon which the claim is based, and the offender would be a principal beneficiary of the award.”

I. Section 16‑3‑1230 of the 1976 Code is amended to read:

“Section 16‑3‑1230. ~~(1)~~(A) A claim may be filed by a person eligible to receive an award, as provided in Section 16‑3‑1210 , or, if the person is an incompetent or a minor, by his parent or legal guardian or other individual authorized to administer his affairs.

~~(2)~~(B) A claim must be filed by the claimant not later than one hundred eighty days after the latest of the following events:

~~(a)~~(1) the occurrence of the crime upon which the claim is based;

~~(b)~~(2) the death of the victim;

~~(c)~~(3) the discovery by the law enforcement agency that the occurrence was the result of crime; or

(d)(4) the manifestation of a mental or physical injury is diagnosed as a result of a crime committed against a minor.

~~(3)~~(C) Upon good cause shown, the time for filing may be extended for a period not to exceed four years after the occurrence, diagnosed manifestation, or death. ‘Good cause’ for the above purposes includes reliance upon advice of an official victim assistance specialist who either misinformed or neglected to inform a victim of rights and benefits of the ~~Victim’s~~ Victim Compensation Fund but does not mean simply ignorance of the law.

~~(4)~~(D) Claims must be filed in the ~~office of the director~~ Department of Crime Victim Compensation with input from the board by conventional mail, facsimile, in person, or through another electronic submission mechanism approved by the director. The director shall accept for filing all claims submitted by persons eligible pursuant to subsection ~~(1)~~(A) and meeting the requirements as to the form of the claim contained in the ~~regulations of the board~~ form developed by the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation.”

J. Section 16‑3‑1240 of the 1976 Code is amended to read:

“Section 16‑3‑1240. It is unlawful, except for purposes directly connected with the administration of the ~~victim’s compensation program~~ fund, for any person to solicit, disclose, receive, or make use of or authorize, knowingly permit, participate in or acquiesce in the use of any list, or names of, or information concerning persons applying for or receiving awards ~~hereunder~~ pursuant to the provisions of this article without the written consent of the applicant or recipient. The records, papers, files, and communications of the ~~Board~~ board, its panel, and the ~~Director~~ director and his staff must be regarded as confidential information and privileged and not subject to disclosure under the Freedom of Information Act as contained in Chapter 3, ~~of~~ Title 30.”

K. Section 16‑3‑1260 of the 1976 Code is amended to read:

“Section 16‑3‑1260. ~~(1)~~(A) A payment of benefits to, or on behalf of, a victim or intervenor, or eligible family member under this article creates a debt due and owing to the State by a person as determined by a court of competent jurisdiction of this State, who has committed the criminal act.

~~(2)~~(B) The Circuit Court, when placing on probation a person who owes a debt to the State as a consequence of a criminal act, may set as a condition of probation the payment of the debt or a portion of the debt to the State. The court also may set the schedule or amounts of payments subject to modification based on change of circumstances.

~~(3)~~(C) The Department of Probation, Parole, and Pardon Services shall also have the right to make payment of the debt or a portion of the debt to the State a condition of parole or community supervision.

~~(4)~~(D) When a juvenile is adjudicated delinquent in a Family Court proceeding involving a crime upon which a claim under this article can be made, the Family Court, in its discretion, may order that the juvenile pay the debt to the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, as created by this article, as an adult would have to pay had an adult committed the crime. Any assessments ordered may be made a condition of probation as provided in Section 63‑19‑1410.

~~(5)~~(E) Payments authorized or required under this section must be paid to the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division. The Director of the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, together with the deputy director of the Department of Crime Victim Compensation, shall coordinate the development of policies and procedures for the South Carolina Department of Corrections, the Department of Juvenile Justice, the South Carolina Office of Court Administration, the Department of Probation, Parole, and Pardon Services, and the South Carolina Board of Probation, Parole, and Pardon Services to assure that victim restitution programs are administered in an effective manner to increase payments into the ~~State Office of Victim Assistance~~ fund.

~~(6)~~(F) Restitution payments to the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund may be made by the Department of Corrections from wages accumulated by offenders in its custody who are subject to this article, except that offenders’ wages must not be used for this purpose if monthly wages are at or below minimums required to purchase basic necessities.”

L. Section 16‑3‑1290 of the 1976 Code is amended to read:

“Section 16‑3‑1290. ~~(1)~~(A) There is hereby created a special fund to be known as the ~~Victim’s~~ Victim Compensation Fund for the purpose of providing for the payment of all necessary and proper expenses incurred by the operation of the ~~Victim’s Compensation Fund~~ fund and the payment of claims. The State Treasurer is the custodian of the fund and all monies in the fund are held by the State Treasurer.

~~(2)~~(B) The funds placed in the ~~Victim’s~~ Victim Compensation Fund shall consist of all money appropriated by the General Assembly, if any, for the purpose of compensating claimants under this article and money recovered on behalf of the State pursuant to this article by subrogation or other action, recovered by court order, received from the federal government, received from additional court costs, received from assessments or fines, or received from any other public or private source, pursuant to this article.

~~(3)~~(C) All administrative costs of this article, except the ~~Director’s~~ director’s salary, must be paid out of money collected pursuant to this article which has been deposited in the ~~Victim’s Compensation Fund~~ fund.

~~(4)~~(D) Interest earned on all monies held in the ~~Victim’s Compensation Fund~~ fund shall be remitted to the general fund of the State.”

M. Section 16‑3‑1330 of the 1976 Code is amended to read:

“Section 16‑3‑1330. (A) When the director determines that projected revenue in any fiscal year will be insufficient to pay projected claims or awards in the amounts provided ~~herein~~ pursuant to the provisions of this article, he shall reduce the amount of all claims or awards by an amount equal to the ratio of projected revenue to the total projected claims or awards cost. When these reductions are required, the director shall inform the public through the media of the reductions as promptly as possible. The reductions apply to all claims or awards not paid as of the effective date of the reductions order.

(B) Any award ~~hereunder~~ is specifically not a claim against the State if it cannot be paid due to a lack of funds in the ~~Victim’s~~ Victim Compensation Fund.”

N. Section 16‑3‑1340 of the 1976 Code is amended to read:

“Section 16‑3‑1340. (A) A claimant may be represented by an attorney in proceedings under this article. ~~Fees for such attorney~~ Attorneys’ fees must be paid from the ~~Victim’s~~ Victim Compensation Fund, subject to the approval of the ~~Director~~ director, except that in the event of an appeal pursuant to Section 16‑3‑1140, attorneys’ fees are subject to the approval of the ~~Board~~ board or its panel hearing the appeal. Attorneys ~~for the South Carolina State Accident Fund~~ within the Office of the Attorney General shall represent the ~~South Carolina Victim’s Compensation Fund~~ Department of Crime Victim Compensation in proceedings under this article.

(B) Any person who receives any fee or other consideration or any gratuity on account of services so rendered, unless ~~such~~ the consideration or gratuity is approved by the ~~Deputy Director~~ deputy director, or who makes it a business to solicit employment for a lawyer or for himself in respect to any claim or award for compensation is guilty of a misdemeanor and, upon conviction must for each offense, be punished by a fine of not more than five hundred dollars or by imprisonment not ~~to exceed~~ more than one year, or ~~by~~ both ~~such fine and imprisonment~~.”

O. Section 16‑3‑1350 of the 1976 Code is amended to read:

“Section 16‑3‑1350. (A) The State must ensure that a victim of criminal sexual conduct in any degree, criminal sexual conduct with a minor in any degree, or child sexual abuse must not bear the cost of his or her routine medicolegal exam following the assault.

(B) These exams must be standardized relevant to medical treatment and to gathering evidence from the body of the victim and must be based on and meet minimum standards for rape exam protocol as developed by the South Carolina Law Enforcement Division, the South Carolina Hospital Association, and the ~~Governor’s Office Division of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division with production costs to be paid from funds appropriated for the ~~Victim’s~~ Victim Compensation Fund. These exams must include treatment for sexually transmitted diseases, and must include medication for pregnancy prevention if indicated and if desired. The South Carolina Law Enforcement Division must distribute these exam kits to any licensed health care facility providing sexual assault exams. When dealing with a victim of criminal sexual assault, the law enforcement agency immediately must transport the victim to the nearest licensed health care facility which performs sexual assault exams. A health care facility providing sexual assault exams must use the standardized protocol described in this subsection.

(C) A licensed health care facility, upon completion of a routine sexual assault exam as described in subsection (B) performed on a victim of criminal sexual conduct in any degree, criminal sexual conduct with a minor in any degree, or child sexual abuse, may file a claim for reimbursement directly to the ~~South Carolina Crime Victim’s Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation if the offense occurred in South Carolina. The ~~South Carolina Crime Victim’s Compensation Fund~~ department must develop procedures for health care facilities to follow when filing a claim with respect to the privacy of the victim. Health care facility personnel must obtain information necessary for the claim at the time of the exam, if possible. The ~~South Carolina Crime Victim’s Compensation Fund~~ department must reimburse eligible health care facilities directly from the fund.

(D) The ~~Governor’s Office Division of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation must utilize existing funds appropriated from the general fund for the purpose of compensating licensed health care facilities for the cost of routine medical exams for sexual assault victims as described above. When the director determines that projected reimbursements in a fiscal year provided in this section exceed funds appropriated for payment of these reimbursements, he must direct the payment of the additional services from the ~~Victim’s Compensation Fund~~ fund. For the purpose of this particular exam, the one hundred dollar deductible is waived for award eligibility under the fund. The ~~South Carolina Victim’s Compensation Fund~~ department must develop appropriate guidelines and procedures and distribute them to law enforcement agencies and appropriate health care facilities.”

SECTION 6. Article 14, Chapter 3, Title 16 of the 1976 Code is amended to read:

”Article 14

~~Victim Assistance Program~~

Crime Victim Services Training, Provider Certification, and Statistical Analysis

Section 16‑3‑1410. (A) The Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis is created within the Office of the Attorney General, South Carolina Crime Victim Services Division. The Director of the Crime Victim Services Division shall appoint a deputy director of the department.

(B) The Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis shall:

(1) provide oversight of training, education, and certification of victim assistance programs;

(2) in cooperation with the Victim Services Coordinating Council, promulgate training standards and requirements;

(3) approve training curricula for credit hours toward certification;

(4) provide victim service provider certification;

(5) maintain records of certified victim service providers; and

(6) collect and analyze statistical data gathered from providers; grant providers; grant recipients; all victim services funding streams; and local, state, and federal crime data and publish analysis, needs assessments, and reports.

(C) Public crime victim assistance programs shall ensure that all victim service providers employed in their respective offices are certified through the department.

(1) Private, nonprofit programs shall ensure that all crime victim service providers in these nonprofit programs are certified by a Victim Services Coordinating Council‑approved certification program. Victim Services Coordinating Council approval must include review of the program to ensure that requirements are commensurate with the certification requirements for public victim assistance service providers.

(2) Crime victim service providers, serving in public or private nonprofit programs and employed on the effective date of this article, are exempt from basic certification requirements but must meet annual continuing education requirements to maintain certification. Crime victim service providers, serving in public or private nonprofit programs and employed after the effective date of this article, are required to complete the basic certification requirements within one year from the date of employment and to meet annual continuing education requirements to maintain certification throughout their employment.

(3) The mandatory minimum certification requirements, as promulgated by the deputy director, may not exceed fifteen hours, and the mandatory minimum requirements for continuing advocacy education, as promulgated by the deputy director, may not exceed twelve hours.

(4) Nothing in this section shall prevent an entity from requiring, or an individual from seeking, additional certification credits beyond the basic required hours.

Section ~~16‑3‑400~~ 16‑3‑1420. For purposes of this article:

(1) ‘Victim service provider’ means a person:

(a) who is employed by a local government or state agency and whose job duties involve providing victim assistance as mandated by South Carolina law; or

(b) whose job duties involve providing direct services to victims and who is employed by an organization that is incorporated in South Carolina, holds a certificate of authority in South Carolina, or is registered as a charitable organization in South Carolina, and the organization’s mission is victim assistance or advocacy and the organization is privately funded or receives funds from federal, state, or local governments to provide services to victims.

‘Victim service provider’ does not include a municipal court judge, magistrates court judge, circuit court judge, special circuit court judge, or family court judge.

(2) ‘Witness’ means a person who has been or is expected to be summoned to testify for the prosecution or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not an action or proceeding is commenced.

Section ~~16‑3‑1410~~ 16‑3‑1430. (A) The ~~Victim Compensation Fund~~ Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis, in collaboration with the Department of Crime Victim Compensation, is authorized to provide the following victim assistance services, contingent upon the availability of funds in the Victim Compensation Fund:

(1) provide information, training, and technical assistance to state and local agencies and groups involved in victim and domestic violence assistance, such as the Attorney General’s Office, the solicitors’ offices, law enforcement agencies, judges, hospital staff, rape crisis centers, and spouse abuse shelters;

(2) provide recommendations to the Governor and General Assembly on needed legislation and services for victims;

(3) serve as a clearinghouse of victim information;

(4) develop ongoing public awareness and programs to assist victims, such as newsletters, brochures, television and radio spots and programs, and news articles;

(5) provide staff support for a Victim Services Coordinating Council representative of all agencies and groups involved in victim and domestic violence services to improve coordination efforts, suggest policy and procedural improvements to those agencies and groups as needed, and recommend needed statutory changes to the General Assembly; and

(6) coordinate the development and implementation of policy and guidelines for the treatment of victims with appropriate agencies.

(B) The Victim Services Coordinating Council shall consist of the following twenty‑two members:

(1) the director of the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, or his designee, who shall serve as chairperson;

(2) the director of the South Carolina Department of Probation, Parole and Pardon Services, or his designee;

(3) the director of the South Carolina Department of Corrections, or his designee;

(4) the director of the South Carolina Department of Juvenile Justice, or his designee;

(5) the director of the South Carolina Commission on Prosecution Coordination, or his designee;

(6) the ~~Governor’s Crime Victims’ Ombudsman, or his designee~~ deputy directors of the three departments and the Ombudsman under the Office of the Attorney General, South Carolina Crime Victim Services Division;

(7) the director of the South Carolina Sheriffs’ Association, or his designee;

(8) the president of the South Carolina Police Chiefs Association, or his designee;

(9) the president of the South Carolina Jail Administrators’ Association, or his designee;

(10) the president of the Solicitors’ Advocate Forum, or his designee;

(11) the president of the Law Enforcement Victim Advocate Association, or his designee;

(12) the director of the South Carolina Coalition Against Domestic Violence and Sexual Assault, or his designee;

(13) the Attorney General, or his designee;

(14) ~~the administrator of the Office of Justice Programs, Department of Public Safety, or his designee;~~

~~(15)~~ ~~four~~ three representatives appointed by the State Office of Victim Assistance for a term of two years and until their successors are appointed and qualified for each of the following categories:

(a) one representative of university or campus services;

(b) ~~one representative of a statewide crime victim organization;~~

~~(c)~~ one representative of a statewide child advocacy organization; and

~~(d)~~(c) one crime victim; and

~~(16)~~(15) ~~four~~ three at‑large seats elected upon two‑thirds vote of the other eighteen members of the Victim Services Coordinating Council for a term of two years and until their successors are appointed and qualified, at least one of whom must be a crime victim and two of which must be representatives of community‑based nongovernmental organizations.

The Victim Services Coordinating Council shall solicit input on issues affecting relevant stakeholders when those stakeholders are not explicitly represented. The Victim Services Coordinating Council shall meet at least four times per year.

~~Section 16‑3‑1420.~~ ~~The director of the State Victim Assistance Program is the director of the South Carolina State Office of Victim Assistance.~~”

SECTION 7. Article 16, Chapter 3, Title 16 of the 1976 Code is amended to read:

”Article 16

Crime ~~Victims’~~ Victim Ombudsman ~~of the Office of the Governor~~

Section 16‑3‑1610. As used in this article:

(1) ‘Criminal and juvenile justice system’ means circuit solicitors and members of their staffs; the Attorney General and his staff; law enforcement agencies and officers; adult and juvenile probation, parole, and correctional agencies and officers; officials responsible for victims’ compensation and other services which benefit victims of crime, and state, county, and municipal victim advocacy and victim assistance personnel.

(2) ‘Victim assistance program’ means an entity, whether governmental, corporate, nonprofit, partnership, or individual, which provides, is required by law to provide, or claims to provide services or assistance, or both to victims on an ongoing basis.

(3) ‘Victim’ means a person who suffers direct or threatened physical, emotional, or financial harm as the result of an act by someone else, which is a crime. The term includes immediate family members of a homicide victim or of any other victim who is either incompetent or a minor and includes an intervenor.

Section 16‑3‑1620. (A) The Department of Crime ~~Victims’~~ Victim Ombudsman ~~Office~~ is created in the ~~Department of Administration~~ Office of the Attorney General, South Carolina Crime Victim Services Division. The Crime ~~Victims’~~ Victim Ombudsman is appointed by the ~~Governor with the advice and consent of the Senate and serves at the pleasure of the Governor~~ Director of the Crime Victim Services Division.

(B) The Crime ~~Victims’~~ Victim Ombudsman ~~of the Department of Administration~~ shall:

(1) refer crime victims to the appropriate element of the criminal and juvenile justice systems or victim assistance programs, or both, when services are requested by crime victims or are necessary as determined by the ombudsman;

(2) act as a liaison between elements of the criminal and juvenile justice systems, victim assistance programs, and crime victims when the need for liaison services is recognized by the ombudsman; and

(3) review and attempt to resolve complaints against elements of the criminal and juvenile justice systems or victim assistance programs, or both, made to the ombudsman by victims of criminal activity within the state’s jurisdiction.

~~(C)~~ ~~There is created within the Crime Victims’ Ombudsman Office of the Department of Administration, the Office of Victim Services Education and Certification which shall:~~

~~(1)~~ ~~provide oversight of training, education, and certification of victim assistance programs;~~

~~(2)~~ ~~with approval of the Victim Services Coordinating Council, promulgate training standards and requirements;~~

~~(3)~~ ~~approve training curricula for credit hours toward certification;~~

~~(4)~~ ~~provide victim service provider certification; and~~

~~(5)~~ ~~maintain records of certified victim service providers.~~

~~(D)~~ ~~Public victim assistance programs shall ensure that all victim service providers employed in their respective offices are certified through the Office of Victim Services Education and Certification within the Office of the Crime Victims’ Ombudsman.~~

~~(1)~~ ~~Private, nonprofit programs shall ensure that all victim service providers in these nonprofit programs are certified by a Victim Services Coordinating Council approved certification program. Victim Services Coordinating Council approval must include review of the program to ensure that requirements are commensurate with the certification requirements for public victim assistance service providers.~~

~~(2)~~ ~~Victim service providers, serving in public or private nonprofit programs, employed on the effective date of this chapter are exempt from basic certification requirements but shall meet annual continuing education requirements to maintain certification. Victim service providers, serving in public or private nonprofit programs, employed after the effective date of this chapter are required to complete the basic certification requirements within one year from the date of employment and to meet annual continuing education requirements to maintain certification throughout their employment.~~

~~(3)~~ ~~The mandatory minimum certification requirements, as promulgated by the Crime Victims’ Ombudsman, may not exceed fifteen hours, and the mandatory minimum requirements for continuing advocacy education, as promulgated by the Crime Victims’ Ombudsman, may not exceed twelve hours.~~

~~(4)~~ ~~Nothing in this section shall prevent an entity from requiring or an individual from seeking additional certification credits beyond the basic required hours.~~

Section 16‑3‑1630. Upon receipt of a written complaint that contains specific allegations and is signed by a victim of criminal activity within the state’s jurisdiction, the ombudsman shall forward copies of the complaint to the person, program, and agency against whom it makes allegations, and conduct an inquiry into the allegations stated in the complaint.

In carrying out the inquiry, the ombudsman is authorized to request and receive information and documents from the complainant, elements of the criminal and juvenile justice systems, and victim assistance programs that are pertinent to the inquiry. Following each inquiry, the ombudsman shall issue a report verbally or in writing to the complainant and the persons or agencies that are the object of the complaint and recommendations that in the ombudsman’s opinion will assist all parties. The persons or agencies that are the subject of the complaint shall respond, within a reasonable time, to the ombudsman regarding actions taken, if any, as a result of the ombudsman’s report and recommendations.

The ombudsman shall prepare a public annual report, not identifying individual agencies or individuals, summarizing his activity. The annual report must be submitted directly to the Governor, General Assembly, elements of the criminal and juvenile justice systems, and victim assistance programs.

Section 16‑3‑1640. Information and files requested and received by the ombudsman are confidential and retain their confidential status at all times. Juvenile records obtained under this section may be released only in accordance with provisions of the Children’s Code.

Section 16‑3‑1650. All elements of the criminal and juvenile justice systems and victim assistance programs shall cooperate with the ombudsman in carrying out the duties described in Sections 16‑3‑1620 and 16‑3‑1630.

Section 16‑3‑1660. A victim’s exercise of rights granted by this article is not grounds for dismissing a criminal proceeding or setting aside a conviction or sentence.

Section 16‑3‑1670. This article does not create a cause of action on behalf of a person against an element of the criminal and juvenile justice systems, victim assistance programs, the State, or any agency or person responsible for the enforcement of rights and provision of services set forth in this chapter.

Section 16‑3‑1680. The Department of Crime ~~Victims’~~ Victim Ombudsman ~~Office~~ through the ~~Department of Administration~~ Crime Victim Services Division may ~~promulgate~~ recommend to the Attorney General those regulations necessary to assist it in performing its required duties as provided by this chapter.

Section 16‑3‑1690. Complaints regarding any allegations against the Office of the Attorney General, Crime Victim Services Division or any of its affiliated departments concerning crime victim services should be submitted in writing to the Crime Victim Ombudsman, who shall cause a rotating three‑person panel of the Crime Victim Services Coordinating Council chosen by him to record, review, and respond to the allegations. Appeal of the three‑person panel’s response or any decision made by the panel regarding the allegations will be heard by the State Inspector General under the authority provided by the provisions of Chapter 6, Title 1. The State Inspector General shall provide the procedures for this appeal process, including, but not limited to, a written finding at the end of the appeal process, which must be provided to the complainant and to the Attorney General and the director of the Crime Victim Services Division.”

SECTION 8. A. Chapter 3, Title 16 of the 1976 Code is amended by adding:

”Article 12

Crime Victim Assistance Grants

Section 16‑3‑1095. (A) The Department of Crime Victim Assistance Grants is created within the Office of the Attorney General, South Carolina Crime Victim Services Division to administer the Victims of Crime Act grants, the Violence Against Women Act grants, the State Victim’s Assistance Program grants, and beginning on July 1, 2018, the following: the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, the Residential Substance Abuse Treatment for State Prisoners (RSAT) Program, the Paul Coverdell Forensic Science Improvement Grant Program (the Coverdell law), Title II Formula Grants Program, the Bulletproof Vest Partnership (BVP), Juvenile Accountability Block Grants (JABG), and Statistical Analysis Center grant program.

(B) The Director of the Crime Victim Services Division shall appoint a deputy director of the department. The deputy director shall establish a process to solicit and administer the disbursement of funds for Victims of Crime Act grants, the Violence Against Women Act grants, and the State Victim’s Assistance Program grants available under Public Law 98‑473 establishing the Victims of Crime Act of 1984, and the Violence Against Women Act (VAWA‑I) established under Title IV of the Violent Crime Control and Law Enforcement Act of 1944, Public Law No. 103‑322, 108 Stat. 1796 (September 13, 1994); and beginning on July 1, 2018, the following: the Edward Byrne Memorial Justice Assistance Grant (JAG) Program awards authorized by the 42 U.S.C. § 3751(a) designated under Section 507 of the Omnibus Crime Control and Safe Streets Act of 1968; the Residential Substance Abuse Treatment for State Prisoners (RSAT) Program under the Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. No. 103‑322, § 1901); the Paul Coverdell Forensic Science Improvement Grant Program authorized by Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Part BB, codified at 42 U.S.C. § 3797j‑3797o (the Coverdell law); the Bulletproof Vest Partnership (BVP) Grant Act of 1998 (Public Law 105‑181); Title II Formula Grants Program authorized under the Juvenile Justice and Delinquency Prevention Act (JJDP Act) of 1974, as amended, at 42 U.S.C. 5631‑5633; Juvenile Accountability Block Grants (JABG) authorized under the Omnibus Crime Control and Safe Streets Act of 2002 (42 U.S.C. 3796ee et esq.); Statistical Analysis Center grant program administered by the Bureau of Justice Statistics within the U.S. Department of Justice; and administer all other crime victim service and other Department of Justice grant program funding as provided by law including, but not limited to, the authority to solicit for federal formula or discretionary grant awards and foundation funding.”

B. Section 23‑6‑500 of the 1976 Code is amended to read:

“Section 23‑6‑500. There is created a council to administer certain responsibilities of the Department of Public Safety and coordinate certain activities between the department, the Office of the Attorney General, the South Carolina Law Enforcement Division and municipal and county law enforcement agencies. The council is to be known as the South Carolina Public Safety Coordinating Council.”

C. Section 23‑6‑510 of the 1976 Code is amended to read:

“Section 23‑6‑510. (A) The council is composed of the following persons for terms as indicated:

(1) the Governor or his designee, to serve as chairman, for the term of the Governor;

(2) the Chief of the South Carolina Law Enforcement Division for the term of office for which he is appointed;

(3) the Chairman of the Senate Judiciary Committee for his term of office in the Senate or his designee;

(4) the Chairman of the House of Representatives Judiciary Committee for his term of office in the House of Representatives or his designee;

(5) the Director of the Department of Public Safety;

(6) a sheriff appointed by the Governor for the term of office for which he is elected;

(7) the Attorney General or his designee;

(8) a municipal police chief appointed by the Governor for a term of two years; ~~and~~

~~(8)~~(9) a victim representative appointed by the Governor for a term of four years; and

(10) a victim with a documented history of victimization appointed by the Attorney General for a term of four years.

(B) Any vacancy occurring must be filled in the manner of the original appointment for the unexpired portion of the term.”

D. Section 23‑6‑520 of the 1976 Code is amended to read:

“Section 23‑6‑520. The council has the following duties to:

(1) recommend a hiring and promotion policy for commissioned personnel or officers to be administered under the sole authority of the director;

(2) establish a process for the solicitation of applications for public safety grants and to review and approve the disbursement of funds available under Section 402 of Chapter 4 of Title 1 of the Federal Highway Safety Program, public law 89‑564 in a fair and equitable manner;

(3) coordinate the use of department personnel by other state or local agencies or political subdivisions;

(4) advise and consult on questions of jurisdiction and law enforcement and public safety activities between the Department of Public Safety, the South Carolina Law Enforcement Division and law enforcement agencies of local political subdivisions; and

(5) in collaboration with the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Assistance Grants establish a process to solicit and administer the disbursement of funds for Victims of Crime Act grants, the Violence Against Women Act grants, the State Victim’s Assistance Program grants available under Public Law 98‑473 establishing the Victims of Crime Act of 1984 and the Violence Against Women Act (VAWA‑I) established under Title IV of the Violent Crime Control and Law Enforcement Act of 1944, Public Law No. 103‑322, 108 Stat. 1796 (September 13, 1994); and beginning on July 1, 2018, the following: the Edward Byrne Memorial Justice Assistance Grant (JAG) Program awards authorized by the 42 U.S.C. § 3751(a) designated under Section 507 of the Omnibus Crime Control and Safe Streets Act of 1968; the Residential Substance Abuse Treatment for State Prisoners (RSAT) Program under the Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. No. 103‑322, § 1901); the Paul Coverdell Forensic Science Improvement Grant Program authorized by Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Part BB, codified at 42 U.S.C. § 3797j‑3797o (the Coverdell law); the Bulletproof Vest Partnership (BVP) Grant Act of 1998 (Public Law 105‑181); Title II Formula Grants Program authorized under the Juvenile Justice and Delinquency Prevention Act (JJDP Act) of 1974, as amended, at 42 U.S.C. 5631‑5633; Juvenile Accountability Block Grants (JABG) authorized under the Omnibus Crime Control and Safe Streets Act of 2002 (42 U.S.C. 3796ee et esq.); Statistical Analysis Center grant program administered by the Bureau of Justice Statistics within the U.S. Department of Justice; and all other crime victim service and other Department of Justice grant program funding as provided by law including, but not limited to, the authority to solicit for federal formula or discretionary grant awards and foundation funding.”

SECTION 9. Section 16‑15‑445(C) of the 1976 Code is amended to read:

“(C) Subject to the limitations of subsection (B), property forfeited pursuant to court order must be destroyed by the arresting law enforcement agency, unless that law enforcement agency can show good cause for retaining the property. Ownership of property so retained vests in the arresting law enforcement agency which may use the property in the performance of its duties, destroy it, or sell it at public auction. Retained property may be sold at public auction after giving notice, in a newspaper of general circulation in the county, of the date, time, and place of the auction and a description of the property to be auctioned. After payment of the expenses of the auction, one‑half of the net proceeds may be retained by the arresting law enforcement agency, and one‑half must be remitted to the State Treasurer for deposit to the credit of the ~~Victim’s~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund.”

SECTION 10. Section 24‑3‑40(A)(2)(b) of the 1976 Code, as last amended by Act 237 of 2010, is further amended to read:

“(b) if the prisoner is employed in a prison industry program, ten percent must be directed to the ~~State Office of Victim Assistance~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund for use in training, program development, victim compensation, and general administrative support pursuant to Section 16‑3‑1410 and ten percent must be retained by the department to support services provided by the department to victims of the incarcerated population.”

SECTION 11. Section 63‑19‑480 of the 1976 Code is amended to read:

“Section 63‑19‑480. There is created a fund within the Department of Juvenile Justice for the compensation of victims of crime. All contributions deducted from a juvenile’s wages pursuant to Section 63‑19‑450(E)(3) or 63‑19‑460(C)(3) must be deposited into this fund. Of the amount contributed to the fund by each juvenile, ninety‑five percent must be paid by the department on behalf of the juvenile as restitution to the victim or victims of the juvenile’s adjudicated crime as ordered by the family court or the releasing entity, and five percent must be submitted to the ~~South Carolina Victims’ Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund. If the amount of restitution ordered has been paid in full or if there is no victim of the juvenile’s adjudicated crime, the juvenile’s contributions must be submitted to the ~~South Carolina Victims’ Compensation Fund~~ Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund.”

PART III

Uniform Supplemental Schedule Form

SECTION 12. A. Section 14‑1‑206(E) of the 1976 Code is amended to read:

“(E) To ensure that fines and assessments imposed pursuant to this section and Section 14‑1‑209(A) are properly collected and remitted to the State Treasurer, the annual independent external audit required to be performed for each county pursuant to Section 4‑9‑150 must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution and a ~~supplementary schedule~~ Uniform Supplemental Schedule Form detailing all fines and assessments collected by the clerk of court for the court of general sessions, the amount remitted to the county treasurer, and the amount remitted to the State Treasurer.

(1) To the extent that records are made available in the format determined pursuant to subsection (E)(4), the ~~supplementary schedule~~ Uniform Supplemental Schedule Form developed by the Office of the Attorney General, South Carolina Crime Victim Services Division, must be used by all counties and municipalities and must include the following elements:

(a) all fines collected by the clerk of court for the court of general sessions;

(b) all assessments collected by the clerk of court for the court of general sessions;

(c) the amount of fines retained by the county treasurer;

(d) the amount of assessments retained by the county treasurer;

(e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section; and

(f) the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward.

(2) The ~~supplementary schedule~~ Uniform Supplemental Schedule Form 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.

(3) Within thirty days of issuance of the audited financial statement, the county must submit to the State Treasurer a copy of the audited financial statement and a statement of the actual cost associated with the preparation of the ~~supplemental schedule~~ Uniform Supplemental Schedule Form required in this subsection. Upon submission to the State Treasurer, the county may retain and pay from the fines and assessments collected pursuant to this section the actual expense charged by the external auditor for the preparation of the ~~supplemental schedule~~ Uniform Supplemental Schedule Form required in this subsection, not to exceed one thousand dollars each year.

(4) The clerk of court and county treasurer shall keep records of fines and assessments required to be reviewed pursuant to this subsection in the format determined by the county council and make those records available for review.”

B. Section 14‑1‑207(E) of the 1976 Code is amended to read:

“(E) To ensure that fines and assessments imposed pursuant to this section and Section 14‑1‑209(A) are properly collected and remitted to the State Treasurer, the annual independent external audit required to be performed for each county pursuant to Section 4‑9‑150 must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution and a ~~supplementary schedule~~ Uniform Supplemental Schedule Form detailing all fines and assessments collected by the magistrate’s court of that county, the amount remitted to the county treasurer, and the amount remitted to the State Treasurer.

(1) To the extent that records are made available in the format determined pursuant to subsection (E)(4), the ~~supplementary schedule~~ Uniform Supplemental Schedule Form developed by the Office of the Attorney General, South Carolina Crime Victim Services Division, must be used by all counties and municipalities to report victim services funds and must include the following elements:

(a) all fines collected by the magistrate’s court;

(b) all assessments collected by the magistrate’s court;

(c) the amount of fines retained by the county treasurer;

(d) the amount of assessments retained by the county treasurer;

(e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section; and

(f) the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward.

(2) The ~~supplementary schedule~~ Uniform Supplemental Schedule Form 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.

(3) Within thirty days of issuance of the audited financial statement, the county must submit to the State Treasurer a copy of the audited financial statement and a statement of the actual cost associated with the preparation of the ~~supplemental schedule~~ Uniform Supplemental Schedule Form required in this section. Upon submission to the State Treasurer, the county may retain and pay from the fines and assessments collected pursuant to this section the actual expense charged by the external auditor for the preparation of the ~~supplemental schedule~~ Uniform Supplemental Schedule Form required in this subsection, not to exceed one thousand dollars each year.

(4) The clerk of court and county treasurer shall keep records of fines and assessments required to be reviewed pursuant to this subsection in the format determined by the county council and make those records available for review.”

C. Section 14‑1‑208(E) of the 1976 Code is amended to read:

“(E) To ensure that fines and assessments imposed pursuant to this section and Section 14‑1‑209(A) are properly collected and remitted to the State Treasurer, the annual independent external audit required to be performed for each municipality pursuant to Section 5‑7‑240 must include a review of the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution and a ~~supplementary schedule~~ Uniform Supplemental Schedule Form detailing all fines and assessments collected at the court level, the amount remitted to the municipal treasurer, and the amount remitted to the State Treasurer.

(1) To the extent that records are made available in the format determined pursuant to subsection (E)(4), the ~~supplementary schedule~~ Uniform Supplemental Schedule Form developed by the Office of the Attorney General, South Carolina Crime Victim Services Division, must be used by all counties and municipalities to report their crime victim services funds and must include the following elements:

(a) all fines collected by the clerk of court for the municipal court;

(b) all assessments collected by the clerk of court for the municipal court;

(c) the amount of fines retained by the municipal treasurer;

(d) the amount of assessments retained by the municipal treasurer;

(e) the amount of fines and assessments remitted to the State Treasurer pursuant to this section; and

(f) the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward.

(2) The ~~supplementary schedule~~ Uniform Supplemental Schedule Form 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.

(3) Within thirty days of issuance of the audited financial statement, the municipality must submit to the State Treasurer a copy of the audited financial statement and a statement of the actual cost associated with the preparation of the ~~supplemental schedule~~ Uniform Supplemental Schedule Form required in this section. Upon submission to the State Treasurer, the municipality may retain and pay from the fines and assessments collected pursuant to this section the actual expense charged by the external auditor for the preparation of the ~~supplemental schedule~~ Uniform Supplemental Schedule Form required in this subsection, not to exceed one thousand dollars each year.

(4) The clerk of court and municipal treasurer shall keep records of fines and assessments required to be reviewed pursuant to this subsection in the format determined by the municipal governing body and make those records available for review.”

PART IV

SECTION 13. A. Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑211.5. The Department of Crime Victim Assistance Grants shall offer training and technical assistance to each municipality and county annually on the acceptable use of both priority one and priority two funds and funds available for competitive bid.”

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

“Section 14‑1‑211.6. (A) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14‑1‑206(B) and (D), 14‑1‑207(B) and (D), 14‑1‑208(B) and (D), and 14‑1‑211(B), the State Auditor shall notify the Office of the Attorney General, South Carolina Crime Victim Services Division. The division is authorized to conduct an audit, which must include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding, based on the referrals from the State Auditor or complaints of a specific nature received by the division to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed in collaboration with the Victim Services Coordinating Council. The Victim Services Coordinating Council, in collaboration with the director of the division, shall develop these guidelines to ensure any expenditure that meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure.

(B) Any local entity or nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the Office of the Attorney General, South Carolina Crime Victim Services Division within thirty days of the budget’s approval by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause the division to initiate a programmatic review and a financial audit of the entity’s or nonprofit organization’s expenditures of victim assistance funds. Additionally, the division will place the name of the noncompliant entity or nonprofit organization on its website, where it shall remain until such time as the noncompliant entity or nonprofit organization is in compliance with the terms of this section.

(C) Any entity or nonprofit organization receiving victim assistance funding must cooperate and provide expenditure and program data requested by the division. If the division finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error constitutes an entity or nonprofit organization spending victim assistance funding on unauthorized items as determined by the division. If the entity or nonprofit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the division shall assess and collect a penalty in the amount of the unauthorized expenditure plus fifteen hundred dollars against the entity or nonprofit organization for improper expenditures. This penalty which includes the fifteen hundred dollars must be paid within thirty days of the notification by the division to the entity or nonprofit organization that the entity or nonprofit organization is in noncompliance with the provisions of this section. All penalties received by the division shall be credited to the General Fund of the State. If the penalty is not received by the division within thirty days of the notification, the political subdivision must deduct the amount of the penalty from the entity’s or nonprofit organization’s subsequent fiscal year appropriation.”

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

“Section 14‑1‑211.6. (A) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14‑1‑206(B) and (D), 14‑1‑207(B) and (D), 14‑1‑208(B) and (D), and 14‑1‑211(B), the State Auditor shall notify the Office of the Attorney General, South Carolina Crime Victim Services Division. The division is authorized to conduct an audit, which must include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding, based on the referrals from the State Auditor or complaints of a specific nature received by the division to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed in collaboration with the Victim Services Coordinating Council. The Victim Services Coordinating Council, in collaboration with the director of the division, shall develop these guidelines to ensure any expenditure that meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure.

(B) Any local entity or nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the Office of the Attorney General, South Carolina Crime Victim Services Division within thirty days of the budget’s approval by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause the division to initiate a programmatic review and a financial audit of the entity’s or nonprofit organization’s expenditures of victim assistance funds. Additionally, the division will place the name of the noncompliant entity or nonprofit organization on its website, where it shall remain until such time as the noncompliant entity or nonprofit organization is in compliance with the terms of this section.

(C) Any entity or nonprofit organization receiving victim assistance funding must cooperate and provide expenditure and program data requested by the division. If the division finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error constitutes an entity or nonprofit organization spending victim assistance funding on unauthorized items as determined by the division. If the entity or nonprofit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the division shall assess and collect a penalty in the amount of the unauthorized expenditure plus fifteen hundred dollars against the entity or nonprofit organization for improper expenditures. This penalty plus fifteen hundred dollars must be paid within thirty days of the notification by the division to the entity or nonprofit organization that the entity or nonprofit organization is in noncompliance with the provisions of this section. All penalties received by the division shall be credited to the General Fund of the State. If the penalty is not received by the division within thirty days of the notification, the political subdivision will deduct the amount of the penalty form the entity or nonprofit organization’s subsequent fiscal year appropriation.”

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

“Section 14‑1‑211.7. The Department of Corrections shall transfer twenty thousand, five hundred dollars each month to the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Assistance Grants, State Victim Assistance Program for distribution as provided by law.”

PART V

References to Restructured Entities

SECTION 14. Any reference in the 1976 Code to the South Carolina Victims’ Compensation Fund, or any other variation thereof, shall mean the South Carolina Victim Compensation Fund administered by the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund.

Any reference in the 1976 Code to the State Office of Victim Assistance, or any variation thereof, shall mean the Office of the Attorney General, South Carolina Crime Victim Services Division.

Any reference in the 1976 Code to the Office of the Crime Victims’ Ombudsman of the Governor’s Office, or any variation thereof, shall mean the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Ombudsman.

PART VI

Savings and Severability

SECTION 15. The repeal or amendment by this act of any law, whether temporary, permanent, 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 16. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

PART VII

Time Effective

SECTION 17. This act takes effect on July 1, 2017, except that the transfer of those grants and awards delineated in PART II, SECTION 2, Section 1-7-1100(4), are effective on July 1, 2018.

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