**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3637**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Vick

Document Path: l:\council\bills\ms\7242ahb09.docx

Introduced in the House on February 26, 2009

Currently residing in the House Committee on **Ways and Means**

Summary: Victim witness program

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/26/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-26-09.docx)‑113

2/26/2009 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2009\02-26-09.docx)‑113

**VERSIONS OF THIS BILL**

[2/26/2009](file:///p:\pprever\2009-10\3637_20090226.docx)

**A** **BILL**

TO AMEND SECTIONS 14‑1‑206, 14‑1‑207, AND 14‑1‑208, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO ASSESSMENTS IN COURTS OF THE UNIFIED JUDICIAL SYSTEM, SO AS TO PROVIDE THAT NOT LESS THAN TWENTY‑FIVE PERCENT OF THE REVENUE RETAINED FROM THESE ASSESSMENTS MUST BE ALLOCATED TO THE VICTIM WITNESS PROGRAM OF THE SOLICITOR IN WHOSE CIRCUIT THE COUNTY OR MUNICIPALITY IS SITUATED; AND TO AMEND SECTION 14‑1‑211, AS AMENDED, RELATING TO GENERAL SESSIONS COURT SURCHARGES, SO AS TO PROVIDE THAT NOT LESS THAN TWENTY‑FIVE PERCENT OF THE REVENUE RETAINED FROM THESE SURCHARGES MUST BE ALLOCATED TO THE VICTIM WITNESS PROGRAM OF THE SOLICITOR IN WHOSE CIRCUIT THE COUNTY OR MUNICIPALITY IS SITUATED.

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

SECTION 1. Section 14‑1‑206(D) of the 1976 Code, as last amended by Act 105 of 1999, is further amended to read:

“(D) The revenue retained by the county ~~under~~pursuant to subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15~~of~~, Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. First priority must be given to those victims’ assistance programs which are required by Article 15~~of~~, Title 16 and second priority must be given to programs which expand victims’ services beyond those required by Article 15~~of~~, Title 16. Not less than twenty‑five percent of the revenue retained must be allocated to the Victim Witness Program of the solicitor in whose circuit the county or municipality is situated. 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.”

SECTION 2. Section 14‑1‑207(D) of the 1976 Code, as last amended by Act 105 of 1999, is further amended to read:

“(D) The revenue retained by the county ~~under~~pursuant to subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15~~of~~, Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. First priority must be given to those victims’ assistance programs which are required by Article 15~~of~~, Title 16 and second priority must be given to programs which expand victims’ services beyond those required by Article 15~~of~~, Title 16. Not less than twenty‑five percent of the revenue retained must be allocated to the Victim Witness Program of the solicitor in whose circuit the county or municipality is situated. 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.”

SECTION 3. Section 14‑1‑208(D) of the 1976 Code, as last amended by Act 105 of 1999, is further amended to read:

“(D) The revenue retained by the municipality ~~under~~pursuant to subsection (B) must be used for the provision of services for the victims of crime including those required by law. These funds must be appropriated for the exclusive purpose of providing victim services as required by Article 15~~of~~, Title 16; specifically, those service requirements that are imposed on local law enforcement, local detention facilities, prosecutors, and the summary courts. First priority must be given to those victims’ assistance programs which are required by Article 15~~of~~, Title 16 and second priority must be given to programs which expand victims’ services beyond those required by Article 15~~of~~, Title 16. Not less than twenty‑five percent of the revenue retained must be allocated to the Victim Witness Program of the solicitor in whose circuit the county or municipality is situated. 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.”

SECTION 4. Section 14‑1‑211(B) of the 1976 Code, as last amended by Act 390 of 2000, is further amended to read:

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

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

SECTION 5. This act takes effect July 1, 2009.

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