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Fines and fees report FY 2016-2017

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FY 2016-2017

(GP: Fines and Fees Report)

117.74. (GP: Fines and Fees Report) In order to promote accountability and transparency, each state agency must provide and release to the public via the agency's website, a report of all aggregate amounts of fines and fees that were charged and collected by that state agency in the prior fiscal year. The report shall include, but not be limited to: (1) the code section, regulation, or proviso that authorized the fines and fees to be charged, collected, or received; (2) the amount of the fine or fee; (3) the amount received by source; (4) the purpose for which the funds were expended by the agency; (5) the amount of funds transferred to the general fund, if applicable, and the authority by which the transfer took place; and (6) the amount of funds transferred to another entity, if applicable, and the authority by which the transfer took place, as well as the name of the entity to which the funds were transferred. The report must be posted online by September first. Additionally, the report must be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by September first. Funds appropriated to and/or authorized for use by each state agency shall be used to accomplish this directive.

Regular Supervision Fees:

Section of the SC Code of Laws:

SECTION 24 21 80. Probationers and parolees to pay supervision fee; intensive supervision fee; hardship exemption; delinquencies; substitution of public service.

An adult placed on probation, parole, or community supervision shall pay a regular supervision fee toward offsetting the cost of his supervision for so long as he remains under supervision. The regular supervision fee must be determined by the Department of Probation, Parole, and Pardon Services based upon the ability of the person to pay. The fee must be not less than twenty dollars nor more than one hundred dollars per month. The fee is due on the date of sentencing or as soon as determined by the department and each subsequent anniversary for the duration of the supervision period. The department shall remit from the fees collected an amount not to exceed the regular supervision fees collected during fiscal year 1992 93 for credit to the State General Fund. All regular supervision fees collected in excess of the fiscal year 1992 93 amount must be retained by the department, carried forward, and applied to the department's operation. The payment of the fee must be a condition of probation, parole, or community supervision, and a delinquency of two months or more in making payments may operate as a revocation.

Fee: As of 07/01/09: \$0 - \$4,000 is \$50.00 per supervision month
 \$4,001 – over is up to \$100.00 per supervision month

FY16-17 revenue received by source:

30350000 / 28370000 (General Fund)		
4370140000 / 30350000	PROB & PAROLE SUPV	5,126,231
4370140000 / 28370000	PROB & PAROLE SUPV	3,392,808
4370140001	PROB & PAROLE YOA SUPV	65,919

Purpose for which funds were expended: To offset the cost of supervision as long under supervision.

General Fund Revenue transfer: 3,392,808

Funds transferred to other entity: N/A

Intensive Supervision Fee:

Section of the SC Code of Laws:

SECTION 24 21 80. If a probationer is placed under intensive supervision by a court of competent jurisdiction, or if the board places a parolee under intensive supervision, or if an inmate who is participating in the Supervised Furlough Program is placed under intensive supervision, or if a person participating in a community supervision program is placed under intensive supervision, the probationer, parolee, inmate, or community supervisee is required to pay not less than ten dollars nor more than thirty dollars each week for the duration of intensive supervision in lieu of the regular supervision fee. The intensive supervision fee must be determined by the department based upon the ability of the person to pay. Fees derived from persons under intensive supervision must be retained by the department, carried forward, and applied to the department's operation. The department may exempt any individual supervised by the department on any community supervision program from the payment of a part or all of the yearly or weekly fee during any part or all of the supervision period only if the department determines that exceptional circumstances exist such that these payments work a severe hardship on the individual. Delinquencies of two months or more in payment of a reduced fee operates in the same manner as delinquencies for the full amount. The department may substitute public service employment for supervision fees when it considers the same to be in the best interest of the State and the individual.

Fee: As of 7/01/08: \$0 - \$4,000 \$20.00 per supervision week
 \$4,001 – or over \$30.00 per supervision week

FY 16-17 revenue received by source:

32690000		
4370140000	PROB & PAROLE SUPV	661,881
4370140001	PROB & PAROLE YOA SUPV	390

Purpose for which funds were expended: To Offset cost of supervision for as so long under supervision.

General fund transfer: N/A

Funds transferred to other entity: N/A

Electronic Monitoring Fee:

Section of the SC Code of Laws:

SECTION 24 21 85. Electronic monitoring fees. Every person placed on electronic monitoring must be assessed a fee to be determined by the Department of Probation, Parole and Pardon Services in accordance with Section 24 21 80, as long as he remains in the electronic monitoring program. The payment of the fee must be a condition of supervision of any program administered by the department and a delinquency of two months or more in making payments may operate as a revocation. All fees generated by this assessment must be retained by the department to support the electronic monitoring program and carried forward for the same purpose.

Fee: As of 7/01/08: \$20.00 per week

FY16 - 17 revenue received by source:

30350000		
4150040000 (4877)	ELECTRONIC MONT FEE	268,089

Purpose for which funds were expended: To offset set the cost of monitoring the offender in the electronic monitoring program.

General fund transfer: N/A

Funds transferred to other entity: N/A

Extradition Fee:

Section of the SC Code of Laws:

SECTION 24 21 87 (DPPP: Cost of Extradition) The department may charge offenders a fee based on the number of miles and length of time required to perform an extradition. The fee is to be used to offset the cost of extradition. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

Fee: Based on miles and distance.

FY16 - 17 revenue received by source:

30350000		
4150070000	EXTRADITION FEE	3,271

Purpose for which funds were expended: To offset the cost extradition. No revenue gain associated.

General Fund transfer: N/A

Funds Transferred to other entity: N/A

Polygraph Tests

Section of the SC Code of Laws:

Section 24-21-87 The department may charge a fee to offenders required to have maintenance polygraphs. This fee may not exceed the actual cost of the maintenance polygraph. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

Fee: As of 7/01/11: \$25.00 per test

FY16 - 17 revenue received by source:

30350000		
4150020000	POLYGRAPH EXAM FEE	0.00

Purpose for which funds were expended: To offset the cost of the polygraph examination.

General Fund transfer: N/A

Funds transferred to other entity: N/A

Parole Hearing CD's

Section of the SC Code of Laws:

Section 30-4-30 SECTION 30-4-30. Right to inspect or copy public records; fees; notification as to public availability of records; presumption upon failure to give notice; records to be available when requestor appears in person.

(a) Any person has a right to inspect or copy any public record of a public body, except as otherwise provided by Section 30-4-40, in accordance with reasonable rules concerning time and place of access.

(b) The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Fees charged by a public body must be uniform for copies of the same record or document. However, members of the General Assembly may receive copies of records or documents at no charge from public bodies when their request relates to their legislative duties. The records must be furnished at the lowest possible cost to the person requesting the records. Records must be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient for the public body to provide the records in this form. Documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees may not be charged for examination and review to determine if the documents are subject to disclosure. Nothing in this chapter prevents the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of these costs before searching for or making copies of the records.

Fee: \$17.50 per CD

FY16 - 17 revenue received by source:

30350000		
4110020000	MISCELLANEOUS FEE	44,577

Purpose for which funds were expended: A person may request a copy of the Parole Hearing video and this revenue offsets the cost.

SCDPPPS

Proviso 117.75 General Proviso: Fines and Fees Report

General Fund transfer: N/A

Funds transferred to other entity: N/A

Dacor Admin Fee:

Section of the SC Code of Laws:

SECTION 24 21 490. Collection and distribution of restitution.

(A) The Department of Probation, Parole and Pardon Services shall collect and distribute restitution on a monthly basis from all offenders under probationary and intensive probationary supervision.

(B) Notwithstanding Section 14 17 725, the department shall assess a collection fee of twenty percent of each restitution program and deposit this collection fee into a separate account. The department shall maintain individual restitution accounts that reflect each transaction and the amount paid, the collection fee, and the unpaid balance of the account. A summary of these accounts must be reported to the Governor's Office, the President of the Senate, the Speaker of the House, the Chairman of the House Judiciary Committee, and the Chairman of the Senate Corrections and Penology Committee every six months following the enactment of this section.

(C) The department may retain the collection fees described in subsection (B) and expend the fees for the purpose of collecting and distributing restitution. Unexpended funds at the end of each fiscal year may be retained by the department and carried forward for use for the same purpose by the department.

Fee: 20% of the restitution amount paid

FY16 - 17 revenue received by source:

32730000		
4150050000	COLLECTION FEE	1,281,707

Purpose for which funds were expended: To offset the operations of victims related programs such as Victims Services, Victim Service Coordinators in the county offices, and Trust Accounting.

General Fund transfer: N/A

Funds transferred to other entity: N/A

GPS Monitoring Fees

Section of the SC Code of Laws:

SECTION 23-3-540 (Jessie's Law)

(K) The person must be charged for the cost of the active electronic monitoring device and the operation of the active electronic monitoring device for the duration of the time the person is required to be electronically monitored. The Department of Probation, Parole and Pardon Services may exempt a person from the payment of a part or all of the cost during a part or all of the duration of the time the person is required to be electronically monitored, if the Department of Probation, Parole and Pardon Services determines that exceptional circumstances exist such that these payments cause a severe hardship to the person. The payment of the cost must be a condition of supervision of the person and a delinquency of two months or more in making payments may operate as a violation of a term or condition of the electronic monitoring. All fees generated by this subsection must be retained by the Department of Probation, Parole and Pardon Services, carried forward, and applied to support the active electronic monitoring of sex offenders.

Fee: As of 7/1/09 - \$40 per week

FY16 - 17 revenue received by source:

34650000		
4150040000	ELECTRONIC MONT FEE	61,219
4370140000	PROB & PAROLE SUPV	0

Purpose for which funds were expended: To support the active electronic monitoring of sex offenders.

General fund transfer: N/A

Funds Transferred to Other Entity: N/A

Pardon Application Fee:

Section of the SC Code of Laws:

SECTION 24 21 960 (Pardon application fee; re-application after denial.)

(A) Each pardon application must be accompanied with a pardon application fee of one hundred dollars. The pardon application fee must be retained and applied by the department toward the pardon process.

(B) Any individual who has an application for pardon considered but denied, must wait one year from the date of denial before filing another pardon application and fee.

Fee: As of 7/1/08 - \$100 per application

FY16 - 17 revenue received by source:

30350000		
4150030000	PARDON APPL FEE	69,818

Purpose for which funds were expended: To offset the operating cost of the Parole Board and Parole Board Support.

General fund transfer: N/A

Funds transferred to other entity: N/A

Administrative Monitoring Fees

Section of the SC Code of Laws:

SECTION 24 21 100 (B) An individual placed on administrative monitoring shall pay a regular monitoring fee towards offsetting the cost of his administrative monitoring for the period of time that he remains under monitoring. The regular monitoring fee must be determined by the department based upon the ability of the person to pay. The fee must not be more than ten dollars a month. All regular monitoring fees must be retained by the department, carried forward, and applied to the department’s operation.”

Fee: As of 1/1/11 - \$10 per month

FY16 - 17 revenue received by source:

30350000		
4150280000	ADMIN MONITORING FEE	61,041

Purpose for which funds were expended: To offset the operation of the Offender Supervision Program

General fund transfer: N/A

Funds transferred to other entity: N/A

Ignition Interlock

Section of the SC Code of Laws:

SECTION 56-5-2941. Penalties; installation of ignition interlock device.

(F) The cost of the interlock device must be borne by the offender. However, if the offender believes he is indigent and cannot afford the cost of the ignition interlock device, the offender may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the ignition interlock device.

(G) The ignition interlock service provider must collect and remit monthly to the Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed three hundred sixty dollars per year for each year the person is required to drive a vehicle with an ignition interlock device.

HISTORY: 2000 Act No. 390, Section 12; 2007 Act No. 103, Section 23.A, eff January 1, 2008; 2008 Act No. 285, Section 1, eff January 1, 2009.

Fee: The ignition interlock service provider must collect and remit monthly to the Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed three hundred sixty dollars per year for each year.

FY16 - 17 revenue received by source:

34L80000		
4530030000	MISC REVENUE	432,460

Purpose for which funds were expended: To offset the operation of the Ignition Interlock Program

General fund transfer: N/A

Funds transferred to other entity: N/A

Court Fines:

Section of the SC Code of Laws:

SECTION 17-22-350. Fees, waiver, distribution of fee proceeds

A) A person shall pay a nonrefundable one hundred forty-dollar fee to apply for a traffic education program that cannot be reduced or suspended. Additionally, a person shall pay a nonrefundable fee, not to exceed one hundred forty dollars, to participate in a traffic education program. Participation in a traffic education program may not be denied due to a person's inability to pay. If a person is deemed unable to pay, both the application fee and the participation fee must be waived.

(B) For offenses that would have been otherwise tried in magistrates' court, the governmental agency administering the program shall retain the participation fee to support the traffic education program. The application fees must be remitted to the county treasurer. The county treasurer shall remit 9.17 percent of the revenue from the application fees to the county to be used for the purposes set forth in Section 14-1-207(D) and remit the balance of the revenue from the application fees to the Office of the State Treasurer on a monthly basis, by the fifteenth day of each month, and make reports on a form and in a manner prescribed by the State Treasurer. Fees paid in installments must be remitted as received. The State Treasurer shall deposit the amounts received as follows:

(1) 23.62 percent to the Department of Probation, Parole and Pardon Services;

SECTION 14-1-206. Additional assessment, general sessions or family court; remittance; disposition; annual audits.

(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;

SECTION 14-1-207. Additional assessment, magistrate's court; remittance; disposition; annual audits

(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;

SECTION 14-1-208. Additional assessment, municipal court; remittance; disposition; annual audits.

(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;

Continued:

Fee:

FY16 - 17 revenue received by source:

30350000 (Section 17-22-350)		
4110130000	Circuit Court Filing Fee	494,608
4225080000	Traf Ed Program App Mag	68,655
4225090000	Traf Ed Program App Municipal	7,002
39480000 (Section 14-1-206-7)		
4220010001	Court Fines Gen Session	401,052
4220010002	Court Fines Magistrate	6,195,948
4220010003	Court Fines Municipal	2,601,733

Purpose for which funds were expended: To offset the operations of the Offender Supervision Program

General Fund transfer: N/A

Funds transferred to other entity: N/A

DNA Reimbursement:

SECTION 23-3-670. Cost of collection supplies for processing samples; processing fees.

(B) The processing fee assessed pursuant to this section must be remitted to the general fund of the State and credited to the State Law Enforcement Division to offset the expenses SLED incurs in carrying out the provisions of this article.

Fees:

FY16 - 17 revenue received by source:

	31527000	
4890040000	MISC TRANSFER-OTHER FUND-Program Expense	

Purpose for which funds were expended: To offset the cost of administering the DNA Reimbursement program.

General Fund transfer: N/A

Funds transferred to other entity: SLED

Sale of Equipment:

Proviso # 66.1 (DPPP: Sale of Equipment) All revenue generated by the Department of Probation, Parole and Pardon Services from the sale of various equipment in excess of \$575, less the cost of disposition incurred by the Budget and Control Board, Division of Operations, may be retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

Fee: N/A

FY16 - 17 revenue received by source:

30350000		
4480070000	SL OF SURP MAT & SUPL	1,405
4480290000	SALE OF FIREARMS	1,094

Purpose for which funds were expended: To offset the cost of assets.

General fund transfer: 575

Funds transferred to other entity: N/A

Interstate Compact Application Fee:

Proviso # 66.2 (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the department, not to exceed \$100, to offenders applying for transfers out of state under the Interstate Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

Fee: As of 7/01/08 - \$100.00 per application

FY16 - 17 revenue received by source:

30350000		
4370150000	INTERSTATE COMP APPL	55,473

Purpose for which funds were expended: To offset the operating cost of Interstate Compact Program.

General fund transfer: N/A

Funds transferred to other entity: N/A

Returned Checks

SECTION 34-11-70. Prima facie evidence of fraudulent intent in drawing check, draft or other written order, reasonable and probable cause for prosecution.

(a) When a check, a draft, or other written order is not paid by the drawee because the maker or drawer did not have an account with or sufficient funds on deposit with the bank or the person upon which it was drawn when presented or the draft, check, or other written order has an incorrect or insufficient signature on it, and the maker or drawer does not pay the amount due on it, together with a service charge of thirty dollars, within ten days after written notice has been sent by certified mail to the address printed on the check or given at the time it is tendered or provided on a check-cashing identification card stating that payment was refused upon the instrument, then it constitutes prima facie evidence of fraudulent intent against the maker. Service charges collected pursuant to this section must be paid to the payee of the instrument.

(1) For purposes of subsection (a), notice must be given by mailing the notice with postage prepaid addressed to the person at the address as printed or written on the instrument. The giving of notice by mail is complete upon the expiration of ten days after the deposit of the notice in the mail. A certificate by the payee that the notice has been sent as required by this section is presumptive proof that the requirements as to notice have been met, regardless of the fact that the notice actually might not have been received by the addressee. The form of notice must be substantially as follows:

"You are notified that a check or instrument, numbered __, issued by you on __ (date), drawn upon __ (name of bank), and payable to __, has been dishonored. Pursuant to South Carolina law, you have ten days from the date this notice was mailed to tender payment of the full amount of the check or instrument plus a service charge of thirty dollars, the total amount due being __ dollars and __ cents. Unless this amount is paid in full within the specified time above, the holder of the check or instrument may turn over the dishonored check or instrument and all other available information relating to this incident to the solicitor or other appropriate officer for criminal prosecution."

(2) When a person instituting prosecution gives notice in substantially similar form provided in item (1) to the person upon which the instrument was drawn and waits ten days from the date notice is mailed before instituting the criminal proceedings, there arises a presumption that the prosecution was instituted for reasonable and probable cause, and the person instituting prosecution is immune from civil liability for the giving of the notice.

(3) A service charge of not more than thirty dollars is payable by the drawer of a draft, a check, or other written order to the payee of the instrument when the draft, check, or other written order is presented for payment in whole or in part of a then existing debt including, but not limited to, consumer credit transactions, and is dishonored. This service charge is solely to compensate the payee of the instrument for incurred expenses in processing the dishonored instrument and is not related to a presumption of fraud so that it is not necessary to issue the notice to the person at the address as printed on the instrument set forth in items (1) and (2).

(b) Any court, including magistrates, may dismiss a case under the provisions of this chapter for want of prosecution. When any prosecutions are initiated under this chapter, the party applying for the warrant is held liable for all reasonable administrative costs accruing not to exceed forty-one dollars if the case is dismissed for want of prosecution. Unless waived by the court, the party applying for the warrant shall notify, orally or otherwise, the court not less than twenty-four hours before the date and time set for trial that full restitution has been made in connection with the warrant, and the notification relieves that party of the responsibility of prosecution.

Continued:

(c) Any court, including magistrates, may dismiss any prosecution initiated pursuant to the provisions of this chapter on satisfactory proof of restitution and payment by the defendant of all administrative costs accruing not to exceed forty-one dollars submitted before the date set for trial after the issuance of a warrant.

(d) For purposes of this chapter, subsequent persons receiving a check, draft, or other written order by endorsement from the original payee or a successor endorsee have the same rights that the original payee has against the maker of the instrument, if the maker of the instrument has the same defenses against subsequent persons as he may have had against the original payee. However, the remedies available under this chapter may be exercised only by one party in interest.

HISTORY: 1962 Code Section 8-177; 1952 Code Section 8-177; 1942 Code Section 1167; 1932 Code Section 1167; Cr. C. '22 Section 60; Cr. C. '12 Section 208; 1909 (26) 21; 1914 (28) 489; 1923 (33) 120; 1970 (56) 2053; 1979 Act Nos. 56 Section 2, 93 Section 3; 1983 Act No. 73; 1984 Act No. 422; 1987 Act No. 75 Section 1, eff May 1, 1987; 1988 Act No. 669, Section 2, eff July 1, 1987; 1989 Act No. 14, Section 1, eff March 12, 1989; 1991 Act No. 36, Section 1, eff April 24, 1991; 1995 Act No. 138, Section 4, eff June 28, 1995; 1999 Act No. 87, Section 1, eff June 11, 1999; 2000 Act No. 226, Section 16, eff April 1, 2000; 2002 Act No. 291, Section 1, eff June 3, 2002.

Fees:

FY16 - 17 revenue received by source:

30350000		
4530010000	Return Checks	90

Purpose for which funds were expended: To offset the cost of the agency's operating expenses.

General Fund transfer: N/A

Funds transferred to other entity: N/A

GED Learn and Earn Program:

Proviso # 66.3 (DPPP: GED Learn and Earn Program) The department may enter into agreements with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep education to offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and materials within six months of obtaining their GED.

Fee: At Cost

FY16 - 17 revenue received by source:

30350000		
4530200000	GED LEARN & EARN	-0-

Purpose for which funds were expended: To offset the cost of the cost of the course and materials.

General fund transfer: N/A

Funds transferred to other entity: N/A

Offender Drug Test Fee:

Proviso # 66.5 (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed \$50, for the purpose of having a drug test analyzed by a lab for offenders challenging the findings of a drug test administered by the department. If it is determined that the offender is indigent, this filing fee must be waived. The fee shall be retained by the department to offset the cost of the lab test. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

Fee: As of 7/01/09 - \$20.00 per test

FY16 - 17 revenue received by source:

30350000		
4225120000 (7201)	OFF DRUG TEST FEE	220,227

Purpose for which funds were expended: To offset the cost of the lab test and supplies.

General Fund transfer: N/A

Funds transferred to other entity: N/A

Public Service Employment Set-Up Fee:

Proviso # 66.6 (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty five dollar Public Service Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process. The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the number of offenders who are assessed the set-up fee and the amount of funds collected.

Fees: As of 7/01/09 - \$25.00

FY16 - 17 revenue received by source:

30350000		
4225130000	PUB SER EMP SET-UP	17,524

Purpose for which funds were expended: To offset the cost of the supervision process.

General Fund transfer: N/A

Funds transferred to other entity: N/A