

# SC Department of Probation, Parole and Pardon Services

FY 2010-2011

## Proviso 89.92 (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 received by source; (3) the purpose for which the funds were expended by the agency; (4) the amount of funds transferred to the general fund, if applicable, and the authority by which the transfer took place; and (5) 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.

# SC Department of Probation, Parole and Pardon Services

## 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 7/01/09: \$0 - \$4,000 \$50.00 per supervision month  
\$4,001 – or over \$100.00 per supervision month

## **FY10-11 revenue received by source:**

|            |                    |            |
|------------|--------------------|------------|
| 30350000   |                    |            |
| 4370140000 | PROB & PAROLE SUPV | 11,735,674 |

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

**General Fund transfer:** 3,392,808

**Funds transferred to other entity:** N/A

# SC Department of Probation, Parole and Pardon Services

## 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

### **FY10-11 revenue received by source:**

| 32690000   |                     |           |
|------------|---------------------|-----------|
| 4370140000 | PROB & PAROLE SUPV  | 1,147,169 |
| 4370140001 | PROB&PAR YTH OFFEND | 13,607    |

**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

# SC Department of Probation, Parole and Pardon Services

## 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

### **FY10-11 revenue received by source:**

|            |                     |         |
|------------|---------------------|---------|
| 30350000   |                     |         |
| 4150040000 | ELECTRONIC MONT FEE | 390,567 |

**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

# SC Department of Probation, Parole and Pardon Services

## 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.

## **FY10-11 revenue received by source:**

|            |                 |       |
|------------|-----------------|-------|
| 30350000   |                 |       |
| 4150070000 | EXTRADITION FEE | 5,906 |

**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

# SC Department of Probation, Parole and Pardon Services

## Miscellaneous Revenue

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

### **FY10-11 revenue received by source:**

|             |              |      |
|-------------|--------------|------|
| 30350000    |              |      |
| 45300030000 | MISC REVENUE | 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

# SC Department of Probation, Parole and Pardon Services

## Miscellaneous Revenue:

Section of the SC Code of Laws:

**Section 24-21-480:** Fees are collected by the Department from offenders ordered to the residential center. The offender's salary is distributed in the following manner:

1. Restitution to the victim or payment to the account established pursuant to the Victims of Crime Act of 1984.
2. Payment of child support or alimony or other sums as ordered.
3. Payment of any fines or court fees due
4. Payment of six dollars and fifty cents per day for housing/food in lieu of supervision fees while in the restitution center.
5. payment of any costs incurred while in the restitution center

The remainder must be deposited and given to the offender upon his discharge.

Transportation Fee as of 7/01/08: \$7.50 per trip.

**Fee:** N/A

**FY10-11 revenue received by source:** N/A

**Purpose for which funds were expended:** N/A

**General Fund transfer:** N/A

**Funds transferred to other entity:** N/A

Note: As of FY 2009: Residential Centers are currently closed due to budget reductions

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89.92 General Proviso: Fines and Fees Report

# SC Department of Probation, Parole and Pardon Services

## 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

## **FY10-11 revenue received by source:**

|            |                |           |
|------------|----------------|-----------|
| 32730000   |                |           |
| 4150050000 | COLLECTION FEE | 1,245,654 |

**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

# SC Department of Probation, Parole and Pardon Services

## 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

### **FY10-11 revenue received by source:**

| 34650000   |                     |        |
|------------|---------------------|--------|
| 4150040000 | ELECTRONIC MONT FEE | 14,322 |
| 4370140000 | PROB & PAROLE SUPV  | 6,713  |

**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

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SCDPPPS

89.92 General Proviso: Fines and Fees Report

# SC Department of Probation, Parole and Pardon Services

## 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

## **FY10-11 revenue received by source:**

|            |                 |        |
|------------|-----------------|--------|
| 30350000   |                 |        |
| 4150030000 | PARDON APPL FEE | 60,700 |

**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

# SC Department of Probation, Parole and Pardon Services

## 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

**FY10-11 revenue received by source:**

No collection in FY 2011

**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

# SC Department of Probation, Parole and Pardon Services

## FY 2011-2012 Proviso – Section 52

### Interstate Compact Application Fee:

**Proviso # 52.2** (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

### **FY10-11 revenue received by source:**

|            |                      |        |
|------------|----------------------|--------|
| 30350000   |                      |        |
| 4370150000 | INTERSTATE COMP APPL | 76,451 |

**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

# SC Department of Probation, Parole and Pardon Services

## Miscellaneous Revenue

**Proviso # 52.5** (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

### **FY10-11 revenue received by source:**

|            |                   |         |
|------------|-------------------|---------|
| 30350000   |                   |         |
| 4225120000 | OFF DRUG TEST FEE | 210,316 |

**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

Note: FY11 revenue was recorded in Miscellaneous Revenue. A new General Ledger account was established in FY12.

# SC Department of Probation, Parole and Pardon Services

## Miscellaneous Revenue:

**Proviso # 52.6** (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

## **FY10-11 revenue received by source:**

|            |                    |        |
|------------|--------------------|--------|
| 30350000   |                    |        |
| 4225130000 | PUB SER EMP SET-UP | 34,608 |

**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

Note: FY11 revenue was recorded in Miscellaneous Revenue. A new General Ledger was established in FY12.