**A** **BILL**

TO AMEND SECTION 63‑19‑2050 OF THE 1976 CODE, RELATING TO RECORD DESTRUCTION OF JUVENILE RECORDS, TO PROVIDE FOR THE AUTOMATIC EXPUNGEMENT OF JUVENILE RECORDS FOR NON‑VIOLENT CRIMES THAT OCCUR BEFORE THE AGE OF SIXTEEN YEARS OLD, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH THE AUTOMATIC EXPUNGEMENT MAY OCCUR, AND TO PROVIDE FOR AN EXPUNGEMENT PROCESS FOR JUVENILE RECORDS RELATED TO CERTAIN CRIMES THAT OCCUR AT THE AGE OF SIXTEEN OR SEVENTEEN YEARS OLD.

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

SECTION 1. Section 63‑19‑2050 of the 1976 Code is amended to read:

“Section 63‑19‑2050. (A) A person who has been taken into custody for, charged with, or adjudicated delinquent for having committed a status offense or a nonviolent ~~offense~~ crime as defined in Section 16‑1‑70, at the age of sixteen or seventeen, may petition the court for an order destroying all official records relating to:

(1) being taken into custody;

(2) the charges filed against the child;

(3) the adjudication; and

(4) disposition.

The granting of the order is in the court’s discretion. However, a person may not petition the court if he has a prior adjudication for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult. In addition, the court must not grant the order unless it finds that the person who is seeking to have the records destroyed is at least eighteen years of age, has successfully completed any dispositional sentence imposed, and has not been subsequently charged with any criminal offense.

(B)(1) Subject to the provisions in item (2), a person who has been taken into custody for, charged with, or adjudicated delinquent for having committed a status offense or a nonviolent crime as defined in Section 16‑1‑70 before the age of sixteen shall have all official records automatically expunged relating to:

(a) being taken into custody;

(b) the charges filed against the child;

(c) the adjudication; and

(d) the disposition.

(2) For the automatic expungement to occur, the person whose records are to be expunged must be at least eighteen, has successfully completed any dispositional sentence imposed, and has not been subsequently charged with any criminal offense.

~~(B)~~ (C) An adjudication for a violent crime, as defined in Section 16‑1‑60, must not be expunged.

~~(C)~~ (D) ~~If the expungement order is granted by the court~~, Upon expungement, no evidence of the records may be retained by any law enforcement agency or by any municipal, county, state agency, or department. The effect of the order is to restore the person in the contemplation of the law to the status the person occupied before being taken into custody. No person to whom the order has been entered may be held thereafter under any provision of any law to be guilty of perjury or otherwise giving false statement by reason of failing to recite or acknowledge the charge or adjudication in response to an inquiry made of the person for any purpose.

~~(D)~~ (E) For purposes of this section, an adjudication is considered a previous adjudication only if it occurred prior to the date the subsequent offense was committed.”

SECTION 2. This act takes effect upon approval by the Governor.

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