**A** **BILL**

TO AMEND SECTIONS 17‑1‑40 AND 22‑5‑910, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESTRUCTION OR EXPUNGEMENT OF CERTAIN ARREST AND BOOKING RECORDS UNDER CERTAIN CIRCUMSTANCES AND EXPUNGEMENT OF CERTAIN FIRST OFFENSE CONVICTIONS, RESPECTIVELY, BOTH SO AS TO REMOVE THE PROHIBITION ON EXPUNGEMENT OF TITLE 50 OFFENSES.

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

SECTION 1. Section 17‑1‑40(E)(1) of the 1976 Code, as last amended by Act 276 of 2014, is further amended to read:

“(1) This section does not apply to a person who is charged with a violation of ~~Title 50,~~ Title 56~~,~~ or an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5.”

SECTION 2. Section 22‑5‑910(A) of the 1976 Code, as last amended by Act 276 of 2014, is further amended to read:

“(A) Following a first offense conviction for a crime carrying a penalty of not more than thirty days imprisonment or a fine of one thousand dollars, or both, the defendant after three years from the date of the conviction, including a conviction in magistrates or general sessions court, may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction and any associated bench warrant. However, this section does not apply to:

(1) an offense involving the operation of a motor vehicle; or

(2) ~~a violation of Title 50 or the regulations promulgated pursuant to Title 50 for which points are assessed, suspension provided for, or enhanced penalties for subsequent offenses are authorized; or~~

~~(3)~~ an offense contained in Chapter 25, Title 16, except first offense criminal domestic violence as contained in Section 16‑25‑20, which may be expunged five years from the date of the conviction.”

SECTION 3. This act takes effect upon approval by the Governor.

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