**A** **BILL**

TO AMEND SECTION 22-5-920(B) OF THE 1976 CODE, RELATING TO THE EXPUNGEMENT OF YOUTHFUL OFFENDERS’ RECORDS, TO PROVIDE THAT EXPUNGEMENT DOES NOT APPLY TO OFFENSES IN WHICH REGISTRATION ON THE SEXUAL OFFENDER REGISTRY IS REQUIRED, EXCEPT IN CASES IN WHICH A DETERMINATION IS MADE BY THE SENTENCING COURT THAT THE SEXUAL CONDUCT WITH A VICTIM OF AT LEAST FOURTEEN YEARS OF AGE WAS CONSENSUAL.

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

SECTION 1. Section 22-5-920(B) of the 1976 Code is amended to read:

“(B)(1) Following a first offense conviction as a youthful offender for which a defendant is sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the defendant, after five years from the date of completion of the defendant’s sentence, including probation and parole, may apply, or cause someone acting on the defendant’s behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction.

(2) However, this section does not apply to:

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

(b) an offense classified as a violent crime in Section 16‑1‑60; ~~or~~

(c) an offense contained in Chapter 25, Title 16, except as otherwise provided in Section 16‑25‑30~~.~~; or

(d) an offense in which registration on the sexual offender registry is required by statute or ordered by a court, except in cases in which a determination is made by the sentencing court that the sexual conduct with a victim of at least fourteen years of age was consensual.

(3) If the defendant has had no other conviction during the five‑year period following completion of the defendant’s sentence, including probation and parole, for a first offense conviction as a youthful offender for which the defendant was sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the circuit court may issue an order expunging the records. No person may have the person’s records expunged under this section more than once. A person may have the person’s record expunged even though the conviction occurred before the effective date of this section. A person eligible for a sentence pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, and who is not sentenced pursuant to those provisions, is not eligible to have the person’s record expunged pursuant to the provisions of this section.”

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

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