

# THE SOUTH CAROLINA JUVENILE COLLATERAL CONSEQUENCES CHECKLIST



PREPARED AND PUBLISHED BY THE SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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## Models For Change

The John D. and Catherine T. MacArthur Foundation Models For Change is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states. Models For change seeks to accelerate progress toward a more fair, effective and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, and increases their life chances.

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## **A Message from the SC Commission on Indigent Defense**

Each work day of the week Public Defenders and private attorneys in our state represent youth in Family Court who are charged with infractions of the state's laws and all too often observe that a senseless breach of the law could have been avoided if the individual had known not only that a bad decision would have direct consequences, but also that collateral consequences of a bad decision could follow for the rest of one's life. It is important, therefore, for a young person to be aware of collateral consequences of an adjudication, but it is equally important that parents, guidance counselors, youth mentors, school resource officers, ministers, and all who work with the youth of our state understand as well that bad behavior has both direct and collateral consequences. For this reason the public defenders of our state and the SC Commission on Indigent Defense, in collaboration with the Children's Law Center, have assembled this important publication. In doing so we have taken the lead from the Pennsylvania Juvenile Indigent Defense Action Network (PA-JIDAN) which published the first booklet addressing this topic, and have worked closely with that organization in assembling our own, believed to be the first replication of the Pennsylvania booklet in the United States. Please note that the information contained in this publication is provided as a legal service, and does not constitute legal advice. For legal advice you should contact a competent attorney. It is our fervent hope that raising the awareness of collateral consequences among our young people and all who work with them will aid in preventing crime and reducing the number of youthful offenders and offenses, and that this booklet will serve as a source of reference for all in assisting our youth in making the right choices in their lives.

# The South Carolina Juvenile Collateral Consequences Checklist

Federal and state laws impose a range of collateral consequences that affect the opportunities available to youth involved in the juvenile and criminal justice systems. Children who have pled or have been found guilty of juvenile delinquency offenses face challenges in gaining employment, finding housing and accessing educational opportunities. This publication provides a community resource containing the most current information on the short-term and long-term consequences of delinquency adjudications in South Carolina. The table below provides a summary of the issues covered.

Summary of the South Carolina Juvenile Collateral Consequences Checklist	
<b>1. Adjudication of Delinquency</b>	A delinquency adjudication is not an adult conviction but is often treated like one.
<b>2. Records Open to the Public</b>	In general, law enforcement and court records identifying a child must not be open to public inspection. However, there are a variety of instances where particular parties with a legitimate interest in the information can obtain such records.
<b>3. Juvenile Court Open to the Public</b>	The general public must be excluded from juvenile hearings and only persons the judge finds to have a direct interest in the case or in the work of the court may be admitted.
<b>4. Employment Opportunities</b>	A child's ability to obtain employment or acquire licenses for certain professions may be hindered by a delinquency adjudication.
<b>5. Driver's License</b>	A child's driving license may be suspended as a result of a delinquency adjudication by the court for certain offenses until the child's eighteenth birthday.
<b>6. Military</b>	A delinquency adjudication may affect a young person's ability to enlist in the military.

<b>7. Carrying a Firearm</b>	A delinquency adjudication does not preclude a person from possessing a handgun when they are otherwise legally permitted to do so.
<b>8. Public Housing</b>	A delinquency adjudication may affect access to public housing.
<b>9. Access to Schools</b>	Children may be expelled, suspended, or transferred from school for a delinquency adjudication by a school district's board of trustees for certain offenses.
<b>10. Access to Higher Education</b>	A delinquency adjudication does not need to be reported on many college applications and does not bar access to federal financial aid for higher education.
<b>11. Sex Offender Registration</b>	Juveniles who have been found delinquent due to the violation of particular crimes may be required to be placed on the registry.
<b>12. Expungement</b>	Expungement is available upon petition to the court for persons older than age 18 who were adjudicated delinquent for a status or nonviolent offense if certain conditions have been met.
<b>13. DNA Samples</b>	Children adjudicated delinquent of felony offenses and some misdemeanor offenses are required to submit a DNA sample to the State DNA Data Base.
<b>14. Voting</b>	A young person who turns 18 is able to register and vote, despite a delinquency adjudication for any offense.
<b>15. Jury Service</b>	A young person who turns 18 is able to serve on a jury, despite an adjudication of delinquency for any offense.
<b>16. Immigration Status</b>	A delinquency adjudication can affect a child's immigration status.
<b>17. Adult Sentencing</b>	A juvenile's record of delinquency adjudications for certain offenses can significantly affect sentencing for a criminal conviction as an adult.

### 1. Is a juvenile adjudication of delinquency a criminal conviction?

No. **Under South Carolina law, a delinquency adjudication is not a criminal conviction.** S.C. Code Ann. § 63-19-1410(C). However, for many practical purposes, delinquency adjudications are treated like criminal convictions.

### 2. Are juvenile adjudications of delinquency public knowledge?

A child's criminal offense history must be maintained by the Department of Juvenile Justice and the South Carolina Law Enforcement Division (SLED). See S.C. Code Ann. § 63-19-2020(G). **All law enforcement records of children must be kept separate from records of adults, and any information identifying a child must not be open to public inspection.** S.C. Code Ann. § 63-19-2030(B). All law enforcement records of children are confidential and must be kept separate from records of adults. S.C. Code Ann. § 63-19-2030(B). Any information that identifies the child must not be open to public inspection. *Id.* However, law enforcement records identifying the child may be released to the victim of a crime, a school that the child is enrolled in or to a newspaper when specific circumstances are present. See S.C. Code Ann. § 63-19-2030(E) and 63-19-2040(A). Law enforcement records may be shared among law enforcement agencies for criminal justice purposes. S.C. Code Ann. § 63-19-2030(D).

Additionally, each family court must create and maintain records of all cases brought before it. See S.C. Code Ann. § 63-19-2010. The records of court are confidential and open to inspection only by court order to persons having a legitimate interest in the records to the extent necessary to respond to that legitimate interest. However, records are available without a court order where the records are necessary to defend against an action initiated by the child. *Id.*

### 3. Are the hearings in juvenile court open to the public?

**Cases involving children must be taken up as separate hearings without a jury. S.C. Code Ann. § 63-3-590. South Carolina law generally requires the public to be excluded. However the judge may admit persons he or she finds to have a direct interest in the case. The South Carolina Constitution creates a right of access to court proceedings subject to a balancing of the interests with the parties involved.** See Article I, § 9 of the Constitution of South Carolina. If a member of the public or press challenges the statutory rule, the presiding judge must produce findings which explain the balancing of the interests and the need for closure of the proceeding. *Ex parte Columbia Newspapers, Inc.*, 286 S.C. 116, 333 S.E.2d 337 (1985). The judge's findings must include more than a conclusory statement that public access will adversely affect the juvenile's chances of rehabilitation to justify closing the record.

#### 4. Will a juvenile adjudication of delinquency affect employment opportunities?

**A delinquency adjudication does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in a future civil service application or appointment. S.C. Code Ann. § 63-19-1410(C).** Many employment applications only ask potential employees to reveal past criminal convictions, which do not include delinquency adjudications. Employers are not barred from considering delinquency adjudications, but, in order to access juvenile court records, employers must demonstrate a legitimate interest and obtain a court order. S.C. Code Ann. § 63-19-2010.

**Although a delinquency adjudication is not a conviction, it is sometimes in the interest of an applicant to reveal the adjudication to a potential employer.**

Employers may have ways to access this information. Leaving a delinquency adjudication out of a job application may appear dishonest to an employer if it is discovered. Whenever possible, a delinquency adjudication should be expunged to avoid this dilemma.

Delinquency adjudications may hinder a candidate's ability to obtain a license to practice many trades and professions in South Carolina. Many professions require both a SLED and FBI criminal background check as a prerequisite to licensure. Although juvenile records are subject to stricter protections than adult criminal records, criminal background checks will occasionally return juvenile delinquency adjudications.

Additionally, specific types of employment opportunities may consider delinquency adjudications to a greater degree than others. For example, jobs involving work with children or the elderly may trigger a background check by the prospective employer. While a juvenile adjudication is not a conviction, it may be treated as such by a prospective employer in these fields. This means an employer may deny employment to a person with a juvenile adjudication. See 42 U.S.C. § 5119. Delinquency adjudications for sex offenses are likely to bar juveniles from working with young children in schools, summer camps and swimming programs. Delinquency adjudications for aggravated assault may bar juveniles from working with the elderly.

#### 5. Will public assistance benefits and public housing be impacted by a juvenile adjudication of delinquency?

**A delinquency adjudication can affect eligibility for public benefits and housing. Public housing authorities have the right to evict families of delinquent children, even if their delinquent conduct does not occur on public housing property.**

See *HUD v. Rucker*, 535 U.S. 125, 133-136 (2002). Also, anyone subject to a lifetime registration requirement under a state sex offender registration statute is ineligible for federally assisted housing. 42 U.S.C. § 13663.

## **6. Can a young man or woman enlist in the military if he or she has been adjudicated delinquent of an offense?**

A delinquency adjudication may affect an application for military service as follows:

- **A delinquency adjudication is considered a conviction for a criminal offense under Army regulations.** See *Army Regulation 601-210*.

- **The Air Force, Navy and Marines examine delinquency adjudications on a case-by-case basis.** See *Air Force Instruction 36-2002*, at 31 attachment 4 (1999); *Navy Recruiting Manual-Enlisted 2-95-2-98 (2002)*; *2 Military Personnel Procurement Manual, MCO P1100, 72C 3-95-3-105 (2004)*.

Military recruiters frequently assist young recruits in getting their juvenile records expunged if those records are not lengthy and the juvenile offenses are not extremely serious. Those convicted of felonies are not eligible for military service without special approval from the Secretary of Defense. 10 U.S.C. § 504(a).

## **7. Can a juvenile adjudication of delinquency affect the ability of a person to obtain a license to carry a firearm?**

It is unlawful for a person who has been convicted of a violent crime that is classified as a felony offense to possess a firearm or ammunition within this State. S.C. Code Ann. § 16-23-500. Since a delinquency adjudication is not considered a conviction, it should not preclude a person from possessing a hand gun when otherwise legally permitted to do so.

## **8. Will a juvenile adjudication of delinquency affect driving privileges?**

If a child has been adjudicated delinquent or is found in violation of a court order relating to an offense that would not be considered a crime if committed by an adult, the court may suspend or restrict a child's driver's license until the child's seventeenth birthday. S.C. Code Ann. § 63-19-1420(A). These types of offenses are usually referred to as status offenses. Examples of such offenses include, but are not limited to: incorrigibility (beyond the control of parents), truancy, running away, playing or loitering in a billiard room, playing a pinball machine or gaining admission to a theater by false identification. S.C. Code Ann. § 63-1-40(6).

If a child is adjudicated delinquent for the violation of a criminal offense or is found in violation of a court order relating to a criminal offense or a term or condition of probation, the court may suspend or restrict the child's driver's license until the child's eighteenth birthday. S.C. Code Ann. § 63-19-1420(B).



## **9. Will a juvenile adjudication of delinquency restrict access to high schools or high-school level technical or trade schools?**

A child's enrollment in a South Carolina school may be affected by his or her previous conduct as well as any prior record.

Each school district's board of trustees may authorize or order the expulsion, suspension, or transfer of any student for:

- The commission of any crime, gross immorality, gross misbehavior, persistent disobedience, or;
- The violation of written rules and promulgated regulations established by the district board, county board, or the State Board of Education, or;
- When the presence of the pupil is detrimental to the best interest of the school.

S.C. Code Ann. § 59-63-210. When "determining whether or not the student meets the standards of conduct and behavior promulgated by the board of trustees necessary for first time enrollment and attendance, the board shall consider non-school records, the student's disciplinary records in any school in which the student was previously enrolled as these records relate to the adjudication of delinquency in any jurisdiction ... of violations or activities which constitute:

- Violent crimes under Section 16-1-60,
- The unlawful use or possession of weapons, or
- The unlawful sale of drugs whether or not considered to be drug trafficking."

S.C. Code Ann. § 59-63-217. Based on this consideration of the student's record, the board may bar his enrollment in the schools within the district. If a student is expelled, the student may petition for readmission for the succeeding school year and the board must order the student enrolled if he otherwise meets enrollment criteria. These rules do not preclude enrollment and attendance in any adult or night school. Id.

## **10. Will a juvenile adjudication of delinquency restrict access to higher education, including colleges, vocational schools, technical schools or trade schools?**

**In most cases delinquency adjudications do not bar access to higher education.**

If the institution's application asks for the person's arrest history, juvenile arrests must be included. However, an increasing number of institutions accept the Common Application, which asks whether the person has been convicted of a misdemeanor, felony, or other crime. This question does not require that the applicant include delinquency adjudications. See *Juvenile Court Judges' Commission 2008 Juvenile Delinquency Records Handbook and Expungement Guide* at p. 10.

A delinquency adjudication does not automatically bar access to federal student financial

aid. A criminal conviction for possessing or selling illegal drugs while the person was receiving federal student grants, loans or work-study can restrict access to financial aid. See 20 U.S.C. § 1091(r); see also *Free Application for Federal Student Aid FAQ* at <http://www.fafsa.ed.gov/faq003.htm>.

## **11. Will a juvenile be required to register as a sex offender in South Carolina?**

**Juvenile adjudications of delinquency for certain sexual offenses require children to register as sex offenders.** S.C. Code Ann. § 23-3-420(A). Those crimes include:

- Criminal sexual conduct in the 1st degree, 2nd, & 3rd degree;
- Criminal sexual conduct with minors, 1st degree;
- Criminal sexual conduct with minors, 2nd degree (in certain circumstances);
- Engaging a child for sexual performance;
- Producing, directing, or promoting sexual performance by a child;
- Criminal sexual conduct: assaults with intent to commit;
- Buggery;
- Peeping, voyeurism, or aggravated voyeurism;
- Violations of Article 3, Chapter 15 of Title 16 involving a minor;
- Kidnapping (Section 16-3-910) of a person under eighteen years of age except when the offense is committed by a parent
- Trafficking in persons (Section 16-3-930) except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;
- Criminal sexual conduct when the victim is a spouse (Section 16-3-658);
- Sexual battery of a spouse (Section 16-3-615);
- Sexual intercourse with a patient or trainee (Section 44-23-1150);
- Criminal solicitation of a minor if the purpose or intent of the solicitation or attempted solicitation was to:
  - Persuade, induce, entice, or coerce the person solicited to engage or participate in sexual activity as defined in Section 16-15-375(5); or
  - Perform a sexual activity in the presence of the person solicited (Section 16-15-342);

This list is not all inclusive. For a complete list, see S.C. Code Ann. § 23-3-430(C). In addition to the crimes set forth in the statute, a judge has the discretion to require registration for any juvenile adjudication upon a showing of good cause. S.C. Code Ann. § 23-3-430(A).

If a juvenile is required to register, South Carolina imposes several obligations that the offender must abide by. Failure to comply with registration rules constitutes a separate offense punishable by fines and/or imprisonment. S.C. Code Ann. § 23-3-470(A). Sex

offenders must register bi-annually for life in each county that the offender lives in, owns real property or attends school. S.C. Code Ann. § 23-3-460(A). Additionally, any person who qualifies as a Tier 3 sex offender under the Adam Walsh Child Protection and Safety Act of 2006 must register every ninety days. S.C. Code Ann. § 23-3-460(B).

**A juvenile offender must register in the county sheriff's office within one day of being released from custody or sentenced. Id. Any change in an offender's residence must be reported to the county sheriff's office within three days.** S.C. Code Ann. § 23-3-460(C). If the juvenile offender moves into a different county, he or she must notify the sheriff in both counties within three days. S.C. Code Ann. § 23-3-460(D). These rules apply to any offender, regardless of what state the adjudication originally occurred. S.C. Code Ann. § 23-3-460(G). An offender may have to register in multiple counties to comply with each registration rule. The offender must also register within three days of entering any county that he or she obtains employment and any county where he or she enrolls, volunteers, interns or works at a school. Id.

The offender must provide and update a large amount of information each time registration is required. This information includes, but is not limited to the following: the offender's full name, race, sex, date of birth, height, weight, hair color, eye color, skin tone, blood type, Social Security Number, driver's license number, any nickname the offender goes by, and a complete address and telephone number of any location where the offender may stay for more than two days. S.C. Code Ann. Regs. R. 73-260. Offenders may also be required to provide information pertaining to their internet accounts for the purposes of monitoring by law enforcement. S.C. Code Ann. § 23-3-540.

Unlike adult offenders, a juvenile's registration information is generally not made available to the public and is kept for certain law enforcement purposes. S.C. Code Ann. § 63-19-2020(A). However, if a juvenile is adjudicated delinquent for any offense listed below, the juvenile's registration information will be made available to the general public:

- Criminal sexual conduct, 1st & 2nd degree;
- Criminal sexual conduct with a minor, 1st & 2nd degree unless the judge makes a specific finding that the juvenile adjudication resulted from consensual sexual conduct;
- Producing, directing, or promoting sexual performance with a minor;
- Engaging a child for sexual performance;
- Kidnapping a person eighteen years or younger unless the offense is committed by a parent;
- Kidnapping a person over eighteen unless the court finds that no sexual offense was committed; and
- Trafficking in persons unless the court finds there was no sexual offense committed or attempted.

S.C. Code Ann. § 23-3-490(D)(1). If the juvenile is under the age of 12 and has been adjudicated for any sexual offense, the juvenile's information will not be made available to the public. S.C. Code Ann. § 23-3-490(3). However, any subsequent adjudication for a sexual offense will require placement on the public registry. Id. Juveniles that are adjudicated delinquent for a sexual offense not appearing on the list above must still register so long as registration would be required if the child were an adult. However, information about the adjudication will only be made available upon request to a select group of people, such as the victim of the offense. S.C. Code Ann. § 23-3-490(2).

## **12. How can juvenile records be destroyed?**

**Juvenile records are often compiled by courts and law enforcement agencies as soon as the child is detained or charged with an offense, long before the child is found guilty. These records do not automatically disappear on a child's 18th birthday.** The South Carolina Children's Code allows a person who has been adjudicated for a status or nonviolent offense to petition the court for an order destroying all official records relating to being taken into custody, the charges filed against the child, the adjudication, and the disposition of the child's case. S.C. Code Ann. § 63-19-2050(A).

To begin the petition process, a person must apply to the solicitor's office in the county that the offense was committed. The applicant must pay \$310 in fees at this time, \$250 of which is non-refundable. The solicitor's office will then request approval for the destruction of the juvenile files from the Department of Juvenile Justice. If approved, SLED will then verify that the following conditions are met:

- The applicant is 18 years of age or older, and
- The applicant does not have a prior adjudication for an offense that would carry a maximum term of five years imprisonment if committed by an adult; and
- If adjudicated, the applicant has successfully completed any dispositional sentence imposed by the Court;
- If adjudicated, the applicant has not been subsequently charged with any other delinquent or criminal act.

The solicitor will then obtain the signature of the family court judge and the order will be filed with the clerk of court. The solicitor will then provide copies of the expungement order to the applicant, as well as all pertinent government agencies. The successful completion of this process will restore the recipient to the same position "in the contemplation of the law" as he was before the offense, and the person may deny the existence of the record. S.C. Code Ann. § 63-19-2050(C).

## **13. Does a juvenile adjudication of delinquency mandate that the child submit a DNA sample that will be kept by law enforcement?**

**Any juvenile adjudicated delinquent for any felony offense, offense punishable**

**by a sentence of at least five years, eavesdropping, peeping or stalking, or who is otherwise ordered by the court to do so is required to provide a DNA sample for inclusion in the database.** S.C. Code Ann. § 23-3-610.

Samples are to be taken at an approved location by a trained professional and submitted to SLED. S.C. Code Ann. § 23-3-620(A). Should the sample be lost, damaged, contaminated, or unusable, a juvenile may be compelled to provide an additional sample. S.C. Code Ann. § 23-3-620. Those persons from whom DNA is taken are responsible for the costs associated with sample collection. S.C. Code Ann. § 23-3-670. Under certain circumstances, DNA records may be expunged. See S.C. Code Ann. § 23-3-660.

#### **14. Will a juvenile who has been adjudicated delinquent be allowed to vote?**

Yes, because a delinquency adjudication is not a conviction. A young person who turns 18 while completing the terms of his or her treatment, rehabilitation or supervision is permitted to register to vote. He or she may vote regardless of whether the delinquency adjudication is for conduct that would be a felony or a misdemeanor if committed by an adult, and regardless of whether he or she is in placement.

#### **15. How will a juvenile adjudication of delinquency affect jury service?**

A citizen may not serve as a juror if he or she has been convicted of a crime that could be punishable by more than one year in prison. S.C. Code Ann. § 14-7-810. Because a delinquency adjudication is not a conviction, a person adjudicated delinquent may serve on a jury once he or she reaches the age of 18.

However, any person called to jury service who knows or has good reason to suspect that he is disqualified under this section, upon questioning by the trial judge, hearing officer, or clerk of court, must state the disqualifying facts or the reasons for his suspicions and any failure to do so is punishable as contempt of court. S.C. Code Ann. § 14-7-810.

#### **16. How will a juvenile adjudication of delinquency affect a young person's immigration status?**

**Assessing the immigration consequences of delinquency adjudications is very complicated. The general rule is that prior to entering an admission or proceeding to an adjudicatory hearing, the juvenile defense attorney handling the matter should always seek advice from an immigration attorney with relevant experience. In most cases, a delinquency adjudication in a juvenile court proceeding is not a criminal conviction for immigration purposes and will not trigger immigration consequences.**

However, some delinquency adjudications are deemed “bad conduct” and can trigger harsh penalties, including ineligibility for legal immigrant status and vulnerability to deportation. **Offenses constituting “bad conduct” include but are not limited to:**

- Drug trafficking (transfer, passage or delivery), 8 USC §1182(a)(2)(C)
- Drug abuse or addiction, 8 USC §1182(a)(1)(A)(iv)
- Violation of an order of protection, 8 USC §1227(a)(2)(E)(ii)
- Sexual assault or behavior showing a mental condition that poses a current threat to self or others, including attempted suicide, torture, and repeated alcohol abuse-linked offenses, 8 USC § 1182(a)(1)(A)(iii)
- Prostitution, 8 USC § 1182(a)(2)(D)
- False claim to U.S. citizenship, 8 USC §§ 1182(a)(6)(C), 1882(a)(6)(F)

Any child without current legal status, sometimes called an undocumented child, is subject to removal proceedings, regardless of his or her age. **On March 31, 2010, the Supreme Court issued a landmark decision in *Padilla v. Kentucky*, 559 U.S. 356 (2010). The Court found that criminal defendants must be advised of the immigration consequences of their criminal charges, and that the failure of defense counsel to fully advise the defendant constitutes ineffective assistance of counsel.** For additional resources and practice advisories on the impact of this decision, please visit [www.defendingimmigrants.org](http://www.defendingimmigrants.org).

Involvement in the juvenile justice system or the criminal justice system clearly places a child at risk of detection by federal authorities. If Immigration and Customs Enforcement (ICE) becomes aware that a child is subject to removal for lack of legal status, it may file an immigration “hold” or “detainer” with the facility or law enforcement agency that has custody of the child and may take custody upon his or her release. **Also, detention facility staff may allow ICE officials to conduct interviews of children without informing their lawyers. Non-citizen children have the 5th Amendment right to refrain from speaking to ICE officials and signing any forms.** Attorneys who represent non-citizen children should advise them against speaking to ICE officials unless they are represented by attorneys with expertise in immigration law. For additional resources, see [www.defendingimmigrants.org](http://www.defendingimmigrants.org).

## **17. How will a juvenile adjudication of delinquency affect the adult sentence of a person convicted of a crime after the age of 18?**

Delinquency adjudications trigger sentencing enhancements in both the state and federal criminal systems. In South Carolina courts, a circuit court may consider the materiality of a prior juvenile adjudication when assessing the appropriate sentence of an adult who has been convicted of a crime. See *Hayden v. State*, 283 S.C. 121, 322 S.E.2d 14 (1984). However, a juvenile adjudication cannot be used as an offense that triggers a sentence of life without parole. See *State v. Standard*, 351 S.C. 199, 203, 569 S.E.2d 325, 328 (2002).

A juvenile adjudication also may enhance a sentence in the federal criminal system. For example, delinquency adjudications count toward the three convictions necessary to impose a mandatory 15-year prison term for a crime relating to the unlawful possession, sale, manufacture, or transfer of firearms. See 18 U.S.C. § 924 (e)(2)(B).

## About the SC Commission on Indigent Defense

The South Carolina Commission on Indigent Defense oversees the administration of criminal indigent defense services through a unified system of Circuit Public Defenders and their staffs in the state's 16 judicial circuits and 46 counties. At its offices in Columbia, the agency also handles all criminal indigent appeals in the state's appellate courts, maintains a statewide capital trial division, and supervises the payment to court appointed private attorneys for legal representation performed on behalf of indigent clients in certain types of cases. Additionally, the Commission establishes guidelines and standards for representation of indigent clients, initiates and supervises training programs for public defenders and staff across the state, and works with the legal community and other organizations in developing best practices criteria for public defenders and criminal defense practitioners.

The Commission is comprised of 13 attorney members, nine of whom are appointed by the Governor on recommendation of the SC Bar (5) and the SC Public Defender Association (4); two of whom are appointed by the SC House and Senate Judiciary Committee Chairs; and two of whom are appointed by the Chief Justice of the SC Supreme Court. The present members of the Commission are:

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