

**Session 121 - (2015-2016)**

**S\*0255 (Rat #0134, Act #0132 of 2016) General Bill, By Thurmond**

**Similar (H 3700)**

**Summary:** Destruction of booking and arrest records

AN ACT TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPUNGEMENT AND THE PROCEDURE FOR RETENTION AND DESTRUCTION OF CRIMINAL RECORDS, SO AS TO CLARIFY WHEN DESTRUCTION OF CERTAIN RECORDS RELATING TO ARREST AND BOOKING IS REQUIRED, TO GIVE THE SOLICITOR DISCRETION TO NOTIFY THE STATE LAW ENFORCEMENT DIVISION TO AMEND A PERSON'S RECORD IF A PERSON PLEADS GUILTY TO A LESSER INCLUDED OFFENSE, AND TO DELETE PROVISIONS WHICH EXCLUDE EXPUNGEMENT FOR CERTAIN WILDLIFE AND DRIVING OFFENSES; BY ADDING SECTION 17-1-60 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON OR ENTITY TO PUBLISH ON THE PERSON'S OR ENTITY'S WEBSITE OR ANY OTHER PUBLICATION THE ARREST AND BOOKING RECORDS OF A PERSON AND REMOVAL OR REVISION OF THOSE RECORDS THAT REQUIRES THE PAYMENT OF A FEE OR OTHER CONSIDERATION, TO PROVIDE PROCEDURES FOR THE REMOVAL OF SUCH RECORDS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 17-22-950, AS AMENDED, RELATING TO EXPUNGEMENT OF CERTAIN CRIMINAL CHARGES IN SUMMARY COURT, SO AS TO PROVIDE FURTHER PROCEDURES FOR SUMMARY COURT ORDERS OF EXPUNGEMENT AND THE REMOVAL OF RECORDS FROM ALL INTERNET-BASED PUBLIC RECORDS; TO AMEND SECTION 22-5-910, AS AMENDED, RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO DELETE PROVISIONS WHICH EXCLUDE EXPUNGEMENT FOR CERTAIN WILDLIFE AND DRIVING OFFENSES; AND TO AMEND SECTION 22-5-920, AS AMENDED, RELATING TO YOUTHFUL OFFENDER CONVICTIONS, SO AS TO DELETE PROVISIONS WHICH EXCLUDE EXPUNGEMENT FOR CERTAIN WILDLIFE AND DRIVING OFFENSES. - ratified title

- 12/10/14 Senate Prefiled**
- 12/10/14 Senate Referred to Committee on Judiciary**
- 01/13/15 Senate Introduced and read first time (Senate Journal-page 155)**
- 01/13/15 Senate Referred to Committee on Judiciary (Senate Journal-page 155)**
- 06/04/15 Senate Conference committee appointed Alloen, Hembree, Thurmond**
- 01/30/15 Senate Referred to Subcommittee: Thurmond (ch), Allen, Corbin**
- 03/25/15 Senate Committee report: Favorable with amendment Judiciary (Senate Journal-page 16)**
- 03/26/15 Scrivener's error corrected**
- 04/01/15 Scrivener's error corrected**
- 04/01/15 Senate Committee Amendment Adopted (Senate Journal-page 37)**
- 04/07/15 Scrivener's error corrected**
- 04/08/15 Scrivener's error corrected**
- 04/15/15 Senate Read second time (Senate Journal-page 16)**
- 04/15/15 Senate Roll call Ayes-43 Nays-0 (Senate Journal-page 16)**
- 04/16/15 Senate Read third time and sent to House (Senate Journal-page 15)**
- 04/21/15 House Introduced and read first time (House Journal-page 15)**
- 04/21/15 House Referred to Committee on Judiciary (House Journal-page 15)**
- 05/06/15 House Committee report: Favorable with amendment Judiciary (House Journal-page 37)**
- 05/12/15 House Amended (House Journal-page 18)**
- 05/12/15 House Requests for debate-Rep(s). Tallon, Rutherford, Jefferson, King, Gagnon, WJ McLeod, Hart, McEachern, Daning, Crosby, Bradley, Clyburn, Hosey, Anderson, GA Brown, RL Brown, Allison, Forrester, Clarey, Kirby, Henegan, Hiott, Kennedy, GR Smith, Norman, Williams, Dilliards, Weeks (House Journal-page 18)**
- 05/14/15 House Debate adjourned until Wed., 5-20-15 (House Journal-page 24)**
- 06/02/15 House Debate adjourned until Wed., 6-3-15 (House Journal-page 65)**
- 06/03/15 House Amended (House Journal-page 152)**
- 06/03/15 House Read second time (House Journal-page 152)**
- 06/03/15 House Roll call Yeas-95 Nays-1 (House Journal-page 163)**
- 06/04/15 House Read third time and returned to Senate with amendments (House Journal-page 26)**
- 06/04/15 House Roll call Yeas-104 Nays-0 (House Journal-page 26)**
- 06/04/15 Senate Non-concurrence in House amendment (Senate Journal-page 91)**

06/04/15	Senate	Roll call Ayes-1 Nays-38 (Senate Journal-page 91)
06/04/15	House	House insists upon amendment and conference committee appointed Reps. Finlay, Tallon, Rutherford (House Journal-page 53)
06/04/15	Senate	Conference committee appointed Allen, Hembree, Thurmond (Senate Journal-page 32)
01/28/16	House	Free conference powers granted
01/28/16	House	Roll call Yeas-96 Nays-0
01/28/16	House	Free conference committee appointed Tallon, Finlay, Rutherford
01/28/16	Senate	Free conference powers granted (Senate Journal-page 34)
01/28/16	Senate	Roll call Ayes-38 Nays-0 (Senate Journal-page 34)
01/28/16	Senate	Free conference committee appointed Allen, Hembree and Thurmond (Senate Journal-page 34)
01/28/16	Senate	Free conference report received and adopted (Senate Journal-page 34)
01/28/16	Senate	Roll call Ayes-38 Nays-0 (Senate Journal-page 34)
02/03/16	House	Free conference report adopted (House Journal-page 35)
02/03/16	House	Roll call Yeas-107 Nays-0 (House Journal-page 35)
02/03/16	Senate	Ordered enrolled for ratification (Senate Journal-page 35)
02/11/16		Ratified R 134
02/16/16		Signed By Governor
02/19/16		Effective date See Act for Effective Date
02/23/16		Act No. 132