

**Session 118 - (2009-2010)**

**H\*3022 (Rat #0089, Act #0036 of 2009) General Bill, By Kirsh, Wylie, G.M. Smith, Weeks and Mitchell**

**Similar (S 0310, S 0411)**

**Summary:** Criminal records

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS ACT" BY ADDING ARTICLE 9 TO CHAPTER 22, TITLE 17 SO AS TO PROVIDE A PROCEDURE FOR THE UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS, TO PROVIDE THAT APPLICATIONS FOR EXPUNGEMENT OF CRIMINAL RECORDS MUST BE ADMINISTERED BY THE SOLICITOR'S OFFICE IN EACH CIRCUIT, TO PROVIDE FOR THE DEVELOPMENT OF AN EXPUNGEMENT FORM, AND TO CREATE A UNIFORM FEE FOR EXPUNGMENT; TO AMEND SECTION 17-1-40, AS AMENDED, RELATING TO THE REQUIREMENT FOR THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND NOT GUILTY OF THE CHARGE, SO AS TO ALLOW CERTAIN DETENTION AND CORRECTIONAL FACILITIES TO RETAIN THOSE RECORDS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THE CIRCUMSTANCES UNDER WHICH THOSE RECORDS MAY BE RELEASED, AND TO PROVIDE A PENALTY FOR THE UNLAWFUL RELEASE OF THOSE RECORDS; BY ADDING SECTION 17-1-45 SO AS TO REQUIRE SOUTH CAROLINA COURT ADMINISTRATION TO INCLUDE NOTICE ON ALL BOND PAPERWORK AND COURTESY SUMMONS WHEN A PERSON MAY HAVE HIS RECORD EXPUNGED; TO AMEND SECTION 22-5-910, RELATING TO THE EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO CLARIFY THAT FIRST OFFENSE CRIMES CARRYING A PENALTY OF NOT MORE THAN THIRTY DAYS IMPRISONMENT OR A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, ARE ELIGIBLE TO BE EXPUNGED; TO AMEND SECTION 22-5-920, RELATING TO CONVICTION AS A YOUTHFUL OFFENDER, SO AS TO CHANGE THE WAITING PERIOD BEFORE A YOUTHFUL OFFENDER MAY APPLY TO HAVE HIS CRIMINAL ARREST AND CONVICTION EXPUNGED FROM FIFTEEN YEARS OF THE CONVICTION TO FIVE YEARS FROM THE COMPLETION OF THE SENTENCE; TO AMEND SECTION 44-53-450, RELATING TO CONDITIONAL DISCHARGE OF A PERSON FOUND GUILTY OF CERTAIN FIRST OFFENSE CONTROLLED SUBSTANCES OFFENSES, SO AS TO DELETE THE REQUIREMENT THAT THE PERSON MAY NOT BE OVER THE AGE OF TWENTY-FIVE TO HAVE HIS RECORD EXPUNGED PURSUANT TO THIS SECTION; AND TO DELAY THE IMPLEMENTATION OF THE TRAFFIC EDUCATION PROGRAM AS PROVIDED IN ACT 176 OF 2008. - ratified title

- 12/09/08 House Prefiled**
- 12/09/08 House Referred to Committee on Judiciary**
- 01/13/09 House Introduced and read first time HJ-25**
- 01/13/09 House Referred to Committee on Judiciary HJ-25**
- 02/19/09 House Member(s) request name added as sponsor: Weeks**
- 03/05/09 House Committee report: Favorable with amendment Judiciary HJ-2**
- 03/06/09 Scrivener's error corrected**
- 03/25/09 House Amended HJ-32**
- 03/25/09 House Read second time HJ-40**
- 03/26/09 House Reconsider vote whereby read second time HJ-20**
- 03/26/09 House Debate adjourned until Tuesday, March 31, 2009 HJ-21**
- 03/31/09 House Member(s) request name added as sponsor: Mitchell**
- 03/31/09 House Amended HJ-38**
- 03/31/09 House Read second time HJ-45**
- 04/01/09 House Read third time and sent to Senate HJ-30**
- 04/01/09 Senate Introduced and read first time SJ-12**
- 04/01/09 Senate Referred to Committee on Judiciary SJ-12**
- 04/14/09 Senate Referred to Subcommittee: Hutto (ch), Rose, Shoopman**
- 05/06/09 Senate Committee report: Favorable with amendment Judiciary SJ-12**
- 05/07/09 Scrivener's error corrected**
- 05/12/09 Senate Committee Amendment Adopted SJ-24**
- 05/12/09 Senate Read second time SJ-24**
- 05/13/09 Scrivener's error corrected**
- 05/13/09 Senate Read third time and returned to House with amendments SJ-17**
- 05/20/09 House Senate amendment amended HJ-36**
- 05/20/09 House Returned to Senate with amendments HJ-36**
- 05/20/09 Senate Concurred in House amendment and enrolled SJ-48**

**05/27/09**            **Ratified R 89**  
**06/02/09**            **Signed By Governor**  
**06/11/09**            **Effective date 06/02/09**  
**06/12/09**            **Act No. 36**