

## Session 122 - (2017-2018)

**H\*3209 (Rat #0237, Act #0254 of 2018) General Bill, By Pope, Robinson-Simpson, Crosby, Whipper, Brown, Rivers, King, Magnuson, Norrell, Martin, B. Newton, Long, Govan, Henegan, Dillard and Gilliard**

**Summary:** Expungement of criminal records

AN ACT TO AMEND SECTION 17-22-910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS FOR THE EXPUNGEMENT OF CRIMINAL RECORDS FOR CERTAIN OFFENSES, SO AS TO ADD FIRST OFFENSE SIMPLE POSSESSION OR POSSESSION WITH INTENT TO DISTRIBUTE DRUGS TO THE LIST OF OFFENSES ELIGIBLE FOR EXPUNGEMENT, AND TO PROVIDE FOR ELIGIBILITY FOR EXPUNGEMENT OF OFFENSES SUBSEQUENTLY REPEALED WHEN THE ELEMENTS OF THE OFFENSE ARE CONSISTENT WITH AN EXISTING SIMILAR OFFENSE WHICH IS SUBJECT TO EXPUNGEMENT AND TO CLARIFY THAT EXPUNGEMENT PROVISIONS APPLY RETROACTIVELY TO THE OFFENSES DELINEATED; TO AMEND SECTION 22-5-910, RELATING TO SUMMARY COURT OFFENSES ELIGIBLE FOR EXPUNGEMENT, SO AS TO EXPAND ELIGIBILITY BEYOND FIRST OFFENSES AND CLARIFY THAT EXPUNGEMENT PROVISIONS APPLY RETROACTIVELY; TO AMEND SECTION 22-5-920, RELATING TO EXPUNGEMENT OF PERSONS CONVICTED AS YOUTHFUL OFFENDERS, SO AS TO REDEFINE "CONVICTION" TO EXPAND ELIGIBILITY, TO INCLUDE THAT A PERSON REQUIRED TO REGISTER ON THE SEX OFFENDER REGISTRY IS NOT ELIGIBLE FOR EXPUNGEMENT, AND PROVIDE RETROACTIVE APPLICATION UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 22-5-930 SO AS TO PROVIDE FOR EXPUNGEMENT ELIGIBILITY FOR FIRST OFFENSE CONVICTIONS OF CERTAIN CONTROLLED SUBSTANCE OFFENSES; TO AMEND SECTION 63-19-2050, RELATING TO DESTRUCTION OF RECORDS OF PERSONS ADJUDICATED DELINQUENT, SO AS TO ALLOW FOR EXPUNGEMENT OF ANY NUMBER OF OFFENSES FROM A SINGLE SENTENCING PROCEEDING FOR CLOSELY CONNECTED OFFENSES; TO AMEND SECTION 17-22-940, RELATING TO FEES ASSOCIATED WITH THE EXPUNGEMENT PROCESS, SO AS TO RESTRUCTURE THE FEES PROCESS AND ALLOW FOR THE COLLECTION OF PRIVATE DONATIONS, AND TO MAKE CONFORMING CHANGES; AND BY ADDING SECTION 17-22-960 SO AS TO PROVIDE IMMUNITY FOR EMPLOYERS WHO HIRE PERSONS WHOSE CRIMINAL RECORDS HAVE BEEN EXPUNGED.

- ratified title

<b>12/15/16</b>	<b>House</b>	<b>Prefiled</b>
<b>12/15/16</b>	<b>House</b>	<b>Referred to Committee on Judiciary</b>
<b>01/10/17</b>	<b>House</b>	<b>Introduced and read first time</b>
<b>01/10/17</b>	<b>House</b>	<b>Referred to Committee on Judiciary (House Journal-page 112)</b>
<b>01/12/17</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Robinson-Simpson (House Journal-page 112)</b>
<b>01/18/17</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Crosby (House Journal-page 112)</b>
<b>03/29/17</b>	<b>House</b>	<b>Committee report: Favorable with amendment Judiciary (House Journal-page 40)</b>
<b>03/30/17</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Whipper, Brown, Rivers</b>
<b>04/04/17</b>	<b>House</b>	<b>Member(s) request name added as sponsor: King, Magnuson, Norrell, Martin, B. Newton, Long</b>
<b>04/04/17</b>	<b>House</b>	<b>Requests for debate-Rep(s). Caskey, Simrill, JE Smith, West, Pitts, Jefferson, Ott, McCravy, Willis, Atwater, Ryhal, Johnson, Hart, Tallon, Douglas, Clary, Kirby, Brown, VS Moss, King, Hosey (House Journal-page 15)</b>
<b>04/04/17</b>	<b>House</b>	<b>Debate adjourned until Wed., 4-5-17 (House Journal-page 52)</b>
<b>04/05/17</b>	<b>House</b>	<b>Member(s) request name added as sponsor: Govan, Henegan, Dillard, Gilliard</b>
<b>04/05/17</b>	<b>House</b>	<b>Amended (House Journal-page 119)</b>
<b>04/05/17</b>	<b>House</b>	<b>Read second time (House Journal-page 119)</b>
<b>04/05/17</b>	<b>House</b>	<b>Roll call Yeas-103 Nays-0 (House Journal-page 138)</b>
<b>04/06/17</b>	<b>House</b>	<b>Read third time and sent to Senate (House Journal-page 26)</b>
<b>04/06/17</b>		<b>Scrivener's error corrected</b>
<b>04/11/17</b>	<b>Senate</b>	<b>Introduced and read first time (Senate Journal-page 1)</b>
<b>04/11/17</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary (Senate Journal-page 1)</b>
<b>04/18/17</b>	<b>Senate</b>	<b>Referred to Subcommittee: Hutto (ch), Malloy, Shealy, Rice, Timmons</b>
<b>05/03/17</b>	<b>Senate</b>	<b>Committee report: Favorable Judiciary (Senate Journal-page 13)</b>
<b>05/09/18</b>	<b>Senate</b>	<b>Amended (Senate Journal-page 46)</b>
<b>05/09/18</b>	<b>Senate</b>	<b>Read second time (Senate Journal-page 46)</b>
<b>05/10/18</b>	<b>Senate</b>	<b>Amended (Senate Journal-page 123)</b>
<b>05/10/18</b>	<b>Senate</b>	<b>Read third time and returned to House with amendments (Senate Journal-page 123)</b>
<b>05/10/18</b>	<b>Senate</b>	<b>Roll call Ayes-38 Nays-2 (Senate Journal-page 123)</b>

05/10/18 Scrivener's error corrected  
05/10/18 Senate Reconsider vote whereby read third time and returned with amendments (Senate Journal-page 123)  
05/10/18 Senate Amended (Senate Journal-page 123)  
05/10/18 Senate Read third time and returned to House with amendments (Senate Journal-page 123)  
05/10/18 Senate Roll call Ayes-38 Nays-2 (Senate Journal-page 123)  
05/10/18 House Senate amendment amended (House Journal-page 93)  
05/10/18 House Returned to Senate with amendments (House Journal-page 93)  
05/10/18 House Recalled from Senate (House Journal-page 122)  
05/10/18 House Reconsidered amendments to Senate amendments (House Journal-page 127)  
05/10/18 House Concurred in Senate amendment and enrolled (House Journal-page 127)  
05/10/18 House Roll call Yeas-83 Nays-13 (House Journal-page 128)  
05/14/18 Ratified R 237  
05/19/18 Vetoed by Governor  
06/27/18 House Veto overridden by originating body Yeas-108 Nays-1 (House Journal-page 51)  
06/27/18 Senate Veto overridden Ayes-35 Nays-5  
07/05/18 Effective date See Act  
07/12/18 Act No. 254