**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3731**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. King

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Introduced in the House on March 24, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Friendship Nine Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/24/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\03-24-09.docx)‑16

3/24/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\03-24-09.docx)‑16

**VERSIONS OF THIS BILL**

[3/24/2009](file:///p:\pprever\2009-10\3731_20090324.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 21, TITLE 24 SO AS TO ENACT THE “FRIENDSHIP NINE ACT”, TO PROVIDE A PROCEDURE WHEREBY A PERSON WHO MAY OBTAIN A PARDON FOR A CONVICTION FOR CONDUCT RELATED TO THE PROTESTING OR CHALLENGING A STATE LAW, OR A COUNTY OR MUNICIPAL ORDINANCE WHOSE PURPOSE WAS TO MAINTAIN RACIAL SEGREGATION OR RACIAL DISCRIMINATION OF INDIVIDUALS.

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

SECTION 1. Chapter 21, Title 24 of the 1976 Code is amended by adding:

“Article 8

Friendship Nine Act

Section 24‑21‑810. This act may be known as the ‘Friendship Nine Act’.

Section 24‑21‑820. (A) A person, who, prior to January 1, 1980, while protesting or challenging within the state, a state law, or a county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, was convicted solely for the conduct related to the protest or challenge, upon written application to the Board of Probation, Parole and Pardon Services, must be granted a pardon of the conviction upon written application to the board. The board shall provide notice of the application to the solicitor where the violation occurred within thirty days after its submission to the board. The pardon must be granted within ninety days after submission of the application unless it is objected to by the solicitor on the grounds permitted in Section 24‑21‑830.

(B) The board shall develop and distribute the application form to be used by an applicant.

Section 24‑21‑830. (A) A solicitor may object to an application for a pardon under this article only on the grounds that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals.

(B) If the solicitor objects to the granting of a pardon under this article and provides documentation supporting a finding that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, the board must:

(1) notify the applicant in writing of the solicitor’s objection and provide the applicant with a copy of all documents submitted by the solicitor within ten days of receiving the objection; and

(2) provide the applicant with an opportunity to submit a written rebuttal to the objection of the solicitor within thirty days of receiving a copy of the solicitor’s objection and supporting documentation.

(C) The board must review the documentation submitted by the solicitor and any rebuttal matters submitted by the applicant, and render a determination within sixty days of receiving the solicitor’s objection.

(D) If the board determines that there is substantial evidence to support a finding that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or a county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, the board must forward its findings and recommendations to the Governor for a final determination on whether to grant the application. If the board determines that substantial evidence does not exist to support a finding that the application contains false or fraudulent information, or that the basis of the applicant’s conviction was not for protesting or challenging a state law, or county or municipal ordinance whose purpose was to maintain racial segregation or racial discrimination of individuals, then the application for a pardon must be granted.

Section 24‑21‑840. If the convicted person is deceased, the application may be filed by a person who has legal authority to act on behalf of the deceased person.

Section 24‑21‑850. (A) Upon petition by the person obtaining a pardon, the record of the person pertaining solely to the conviction for which a pardon is granted under this article must be transferred by a court of competent jurisdiction to the South Carolina Department of Archives and History for confidential keeping. The record of the conviction maintained by the South Carolina Department of Archives and History shall be the only record of the conviction.

(B) If the person is deceased, the petition may be filed by a person who has legal authority to act on behalf of the deceased person.

Section 24‑21‑860. A person who receives a pardon pursuant to the provision of this article shall have his pardon application fee refunded to him within thirty days of the date the pardon is granted.”

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

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