COMMITTEE REPORT

March 24, 2010

**H. 4205**

Introduced by Reps. G.R. Smith, G.M. Smith, Wylie and Hutto

S. Printed 3/24/10--H.

Read the first time January 12, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4205) to amend Section 17‑1‑40, as amended, Code of Laws of South Carolina, 1976, relating to destruction of criminal records when a charge is dismissed or, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 17‑1‑40 of the 1976 Code, as last amended by Act 36 of 2009, is further amended by adding appropriately lettered subsections at the end to read:

“( ) This section does not apply to a person who is charged with a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5, or any other state criminal offense if the person is not fingerprinted for the violation.

( ) The State Law Enforcement Division is authorized to promulgate regulations that allow for the electronic transmission of information pursuant to this section.”

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

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTION 17‑1‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT, SO AS TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO VIOLATIONS OF TITLE 50 OR TITLE 56 IN WHICH A RECORD IS NOT MAINTAINED THAT REQUIRES DESTRUCTION.

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

SECTION 1. Section 17‑1‑40 of the 1976 Code, as last amended by Act 36 of 2009, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) The provisions of this section do not apply to violations of Title 50 or Title 56 in which a record is not maintained that requires destruction.”

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

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