**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA SECOND CHANCE ACT” BY ADDING SECTION 17‑22‑935 SO AS TO PROVIDE THAT CERTAIN NONVIOLENT MISDEMEANOR AND FELONY OFFENSES MAY BE EXPUNGED AND TO ESTABLISH THE CIRCUMSTANCES UNDER WHICH THE EXPUNGEMENT MAY OCCUR.

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

SECTION 1. This act may be cited as the “South Carolina Second Chance Act”.

SECTION 2. Article 9, Chapter 22, Title 17 of the 1976 Code is amended by adding:

“Section 17‑22‑935. (A) In addition to those offenses enumerated in Section 17‑22‑910 and as otherwise provided by law, a conviction for a:

(1) misdemeanor offense, may be expunged pursuant to the provisions of this article upon application to the appropriate solicitor’s office when:

(a) the person has completed his sentence, including probation and parole, and five years have elapsed since completing his sentence during which the offender was not convicted, plead guilty, or plead nolo contendere to any other offense;

(b) no charges are currently pending against the person; and

(c) the person does not have an existing or pending driver’s license suspension.

(2) Class D, E, or F felony or an offense for which the maximum penalty is between five and fifteen years, may be expunged pursuant to the provisions of this article upon application to the appropriate solicitor’s office when:

(a) the person has completed his sentence, including probation and parole, and eight years have elapsed since completing his sentence during which the offender was not convicted, plead guilty, or plead nolo contendere to any other offense;

(b) no charges are currently pending against the person; and

(c) the person does not have an existing or pending driver’s license suspension.

(3) Class A, B, or C felony or an offense for which the maximum penalty is between twenty and thirty years, may be expunged pursuant to the provisions of this article upon application to the appropriate solicitor’s office when:

(a) the person has completed his sentence, including probation and parole, and ten years have elapsed since completing his sentence during which the offender was not convicted, plead guilty, or plead nolo contendere to any other offense;

(b) no charges are currently pending against the person; and

(c) the person does not have an existing or pending driver’s license suspension.

(B) The provisions of this section do not apply to the following:

(1) a person convicted of a criminal sexual conduct offense as provided in Article 7, Chapter 3, Title 16;

(2) a person convicted of a violent crime as defined in Section 16‑1‑60; or

(3) a person convicted of a felony offense that resulted in bodily injury to another person.”

SECTION 3. This act takes effect upon approval by the Governor.

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