



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** H. 3066 Amended by the House of Representatives on February 11, 2020  
**Author:** King  
**Subject:** Arrest Records  
**Requestor:** Senate Judiciary  
**RFA Analyst(s):** Gardner  
**Impact Date:** March 2, 2020 Updated for Additional Agency Response

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### **Fiscal Impact Summary**

The Judicial Department, State Law Enforcement Division, Commission on Prosecution Coordination, and Department of Public Safety report that this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

This fiscal impact statement has been updated based on a response from the State Law Enforcement Division, Commission on Prosecution Coordination, and Department of Public Safety.

### **Explanation of Fiscal Impact**

#### **Updated for Additional Agency Response**

**Amended by the House of Representatives on February 11, 2020**

#### **State Expenditure**

This bill as amended relates to the destruction of arrest records for persons who have been detained as a result of mistaken identity. The bill requires a law enforcement or prosecution agency to, within 180 days after an investigation reveals that a person was arrested as a result of mistaken identity and whereby no charges have been nor will be filed against that person, destroy the records related to the arrest free of charge.

The bill also provides that a person charged with specific offenses may petition the solicitor in the county in which the alleged offense occurred for dismissal of the offense if it has not been adjudicated by trial or guilty plea, disposed of, or dismissed after five years from the date of the charge. Provided the petitioner has no other pending charges unrelated to the subject charge and no criminal convictions subsequent to the alleged offense, the solicitor must approve the dismissal within thirty days of receipt of the petition. Upon such a dismissal of charges, the solicitor in the county where the alleged offense occurred must notify the State Law Enforcement Division to remove the pending charge from the petitioner's criminal record within ten days of the notification of dismissal. All related arrest and booking records, bench warrants, mug shots, and fingerprints of the person must be destroyed, and no evidence of the record as to the charge or associated bench warrants may be retained by any municipal, county, or state agency. Agencies that intentionally violate these provisions will be guilty of contempt of court. This act

takes effect upon approval of the Governor and applies retroactively to offenses charged before the effective date of the act.

**Judicial Department.** The bill requires a law enforcement or prosecution agency to, within 180 days after an investigation reveals that a person was arrested as a result of mistaken identity and whereby no charges have been nor will be filed, destroy the records related to the arrest free of charge. This bill will have no expenditure impact on the Judicial Department because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**State Law Enforcement Division.** This bill will have no expenditure impact on the State Law Enforcement Division because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Commission on Prosecution Coordination.** This bill will have no expenditure impact on the commission because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Department of Public Safety.** This bill will have no expenditure impact on the Department of Public Safety because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

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**State Law Enforcement Division.** The expenditure impact of this bill is pending, contingent upon a response from the agency.

**Commission on Prosecution Coordination.** The expenditure impact of this bill is pending, contingent upon a response from the agency

**Department of Public Safety.** The expenditure impact of this bill is pending, contingent upon a response from the department.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director