**South Carolina General Assembly**

125th Session, 2023-2024

**S. 112**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Allen, Hembree and Shealy

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Introduced in the Senate on January 10, 2023

Introduced in the House on March 28, 2023

Last Amended on March 21, 2023

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

Summary: Fraudulent Check Expungement

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/30/2022 Senate Prefiled

11/30/2022 Senate Referred to Committee on **Banking and Insurance**

1/10/2023 Senate Introduced and read first time ([Senate Journal‑page 64](h:\sj\20230110.docx))

1/10/2023 Senate Referred to Committee on **Banking and Insurance** ([Senate Journal‑page 64](h:\sj\20230110.docx))

2/8/2023 Scrivener's error corrected

2/23/2023 Senate Recalled from Committee on **Banking and Insurance** ([Senate Journal‑page 3](h:\sj\20230223.docx))

2/23/2023 Senate Committed to Committee on **Judiciary** ([Senate Journal‑page 3](h:\sj\20230223.docx))

3/3/2023 Senate Referred to Subcommittee: Hutto (ch), Matthews,
Rice, Senn, Adams

3/15/2023 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 16](h:\sj\20230315.docx))

3/16/2023 Scrivener's error corrected

3/21/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 58](h:\sj\20230321.docx))

3/21/2023 Senate Read second time ([Senate Journal‑page 58](h:\sj\20230321.docx))

3/21/2023 Senate Roll call Ayes-40 Nays-0 ([Senate Journal‑page 58](h:\sj\20230321.docx))

3/22/2023 Senate Read third time and sent to House ([Senate Journal‑page 11](h:\sj\20230322.docx))

3/28/2023 House Introduced and read first time ([House Journal‑page 34](h:\hj\20230328.docx))

3/28/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 34](h:\hj\20230328.docx))

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**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/112_20221201.docx)

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/112_20230208.docx)

[03/15/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/112_20230315.docx)

[03/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/112_20230316.docx)

[03/21/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/112_20230321.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted

March 21, 2023

S. 112

Introduced by Senators Allen, Hembree and Shealy

S. Printed 03/21/23--S.

Read the first time January 10, 2023

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; AND TO AMEND SECTION 17-22-910, AS AMENDED, RELATING TO APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT.

Amend Title To Conform

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

SECTION 1. Section 34-11-90 of the S.C. Code is amended by adding:

(f) notwithstanding another provision of law, if a defendant receives multiple convictions within a three-year period of time in magistrates court for a violation of this section, the defendant may, after ten years from the date of the last conviction, apply or cause someone acting on his behalf to apply, to the court for an order expunging the records of arrest and the multiple convictions. This provision does not apply to any crime classified as a felony. If the defendant receives no other convictions during the ten-year period following the last conviction under this section and full restitution has been made on all checks that are the subject of the convictions, the court must issue an order expunging the records. No person may take advantage of the rights permitted by this subsection more than once. Neither the application for nor successful expungement of a qualifying applicant’s record as authorized by subsection (e) precludes application for and expungement of a qualifying applicant’s record under this subsection. After the expungement, the South Carolina Law Enforcement Division is required to keep a nonpublic record of the offense and the date of its expungement to ensure that no person takes advantage of the rights permitted by this subsection more than once. This nonpublic record is not subject to release under Section 34-11-95, the Freedom of Information Act, or any other provision of law except to those authorized law or court officials who need this information in order to prevent the rights afforded by this subsection from being taken advantage of more than once.

SECTION 2. Section 17‑22‑910(A)(1) of the S.C. Code is amended to read:

(1) Section 34‑11‑90(e), first offense misdemeanor fraudulent check or Section 34‑11‑90(f), multiple misdemeanor offenses of fraudulent check;

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

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