**South Carolina General Assembly**

125th Session, 2023-2024

**A73, R85, H3890**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton

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Introduced in the House on February 7, 2023

Introduced in the Senate on March 9, 2023

Last Amended on May 9, 2023

Currently residing in the House

Summary: Youthful offenders, eligibility

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/7/2023 House Introduced and read first time ([House Journal‑page 21](h:\hj\20230207.docx))

2/7/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 21](h:\hj\20230207.docx))

2/23/2023 House Member(s) request name added as sponsor: Murphy,
Brewer, Mitchell, Robbins, Schuessler, Guest

3/1/2023 House Committee report: Favorable **Judiciary** ([House Journal‑page 38](h:\hj\20230301.docx))

3/2/2023 House Member(s) request name added as sponsor: King

3/8/2023 House Member(s) request name added as sponsor: B. Newton

3/8/2023 House Read second time ([House Journal‑page 21](h:\hj\20230308.docx))

3/8/2023 House Roll call Yeas-112 Nays-0 ([House Journal‑page 21](h:\hj\20230308.docx))

3/9/2023 House Read third time and sent to Senate ([House Journal‑page 23](h:\hj\20230309.docx))

3/9/2023 Senate Introduced and read first time ([Senate Journal‑page 5](h:\sj\20230309.docx))

3/9/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](h:\sj\20230309.docx))

3/30/2023 Senate Referred to Subcommittee: Malloy (ch), Sabb,
Adams, Garrett, Gustafson

4/26/2023 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 8](h:\sj\20230426.docx))

4/27/2023 Scrivener's error corrected

5/9/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 66](h:\sj\20230509.docx))

5/9/2023 Senate Amended ([Senate Journal‑page 66](h:\sj\20230509.docx))

5/9/2023 Senate Read second time ([Senate Journal‑page 66](h:\sj\20230509.docx))

5/9/2023 Senate Roll call Ayes-41 Nays-2 ([Senate Journal‑page 66](h:\sj\20230509.docx))

5/10/2023 Senate Read third time and returned to House with amendments ([Senate Journal‑page 14](h:\sj\20230510.docx))

5/11/2023 Scrivener's error corrected

5/16/2023 House Concurred in Senate amendment and enrolled ([House Journal‑page 27](h:\hj\20230516.docx))

5/16/2023 House Roll call Yeas-101 Nays-0 ([House Journal‑page 27](h:\hj\20230516.docx))

5/17/2023 Ratified R 85

5/22/2023 Vetoed by Governor

6/7/2023 House Veto overridden Yeas-94 Nays-4 ([House Journal‑page 33](h:\hj\20230607.docx))

6/14/2023 Senate Veto overridden Ayes-34 Nays-2 ([Senate Journal‑page 22](h:\sj\20230614.docx))

6/26/2023 Effective date 06/14/23

6/26/2023 Act No. 73

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**VERSIONS OF THIS BILL**

[02/07/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3890_20230207.docx)

[03/01/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3890_20230301.docx)

[04/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3890_20230427.docx)

[04/27/2023-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/3890_20230427a.docx)

[05/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3890_20230509.docx)

[05/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3890_20230511.docx)

6/14/2023 Senate Veto overridden Ayes-34 Nays-2 ([Senate Journal‑page 22](file:///h:\sj\20230614.docx))

6/20/2023 Effective date 06/14/2023

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(A73, R85, H3890)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22‑5‑920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGeMENT OF CERTAIN OFFENSES, SO AS TO ALLOW EXPUNGeMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE OR A DISTURBING SCHOOLS OFFENSE.

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

Expungement of driving under suspension and disturbing schools offenses

SECTION 1. Section 22‑5‑920(B) of the S.C. Code is amended to read:

(B)(1) Following a first offense conviction as a youthful offender for which a defendant is sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the defendant, who has not been convicted of any offense, including an out‑of‑state offense, but not including a conviction for driving under suspension or a conviction for disturbing schools as provided for in Section 16-17-420 before May 17, 2018, while serving the youthful offender sentence, including probation and parole, and for a period of five years from the date of completion of the defendant's sentence, including probation and parole, may apply, or cause someone acting on the defendant's behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction.

(2) However, this section does not apply to:

(a) an offense involving the operation of a motor vehicle;

(b) an offense classified as a violent crime in Section 16‑1‑60;

(c) an offense contained in Chapter 25, Title 16, except as otherwise provided in Section 16‑25‑30; or

(d) an offense for which the individual is required to register in accordance with the South Carolina Sex Offender Registry Act.

(3) If the defendant has had no other conviction, to include out‑of‑state convictions, but to not include a conviction for driving under suspension or a conviction for disturbing schools as provided for in Section 16-17-420 before May 17, 2018, during the service of the youthful offender sentence, including probation and parole, and during the five‑year period following completion of the defendant's sentence, including probation and parole, for a first offense conviction as a youthful offender for which the defendant was sentenced pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, the circuit court may issue an order expunging the records. No person may have the person's records expunged under this section more than once. A person may have the person's record expunged even though the conviction occurred before the effective date of this section. A person eligible for a sentence pursuant to the provisions of Chapter 19, Title 24, Youthful Offender Act, and who is not sentenced pursuant to those provisions, is not eligible to have the person's record expunged pursuant to the provisions of this section; however, a person who was convicted prior to June 2, 2010, and was a youthful offender as that term is defined in Section 24‑19‑10(d) is eligible to have his record expunged pursuant to the provisions of this section.

Time effective

SECTION 2. This act takes effect upon approval by the Governor, and applies retroactively to convictions before the effective date of this act.

Ratified the 17th day of May, 2023.

Vetoed by the Governor -- 5/22/23.

Veto overridden by House -- 6/7/23.

Veto overridden by Senate -- 6/14/23.

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