



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number:	H. 3019	Introduced on January 10, 2023
Author:	King	
Subject:	Destruction of Arrest Records	
Requestor:	House Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	February 28, 2023	

Fiscal Impact Summary

This bill allows for the destruction of arrest records for persons who have been detained as a result of mistaken identity.

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

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill 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 one hundred eighty 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 SLED 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, mugshots, 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, State Law Enforcement Division (SLED), Commission on Prosecution Coordination, and Department of Public Safety report that this bill will have no expenditure impact because the agencies 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



Frank A. Rainwater, Executive Director