

Session 113 - (1999-2000)

H 4933 General Bill, By Huggins and Robinson

Summary: Criminal records of convictions, sealing of; Courts, Circuit, Crimes and Offenses, State Law Enforcement Division

A BILL TO AMEND TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL PROCEDURE, BY ADDING CHAPTER 28, RELATING TO SEALING OF RECORDS OF CONVICTIONS, SO AS TO PROVIDE THAT A PERSON CONVICTED OF A FELONY OR MISDEMEANOR MAY APPLY TO THE CIRCUIT COURT FOR AN ORDER SEALING THE RECORD OF CONVICTION, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR APPLYING FOR AN ORDER SEALING A CRIMINAL RECORD, TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION IS REQUIRED TO KEEP A NONPUBLIC RECORD OF THE OFFENSE AND THE DATE THE RECORD WAS SEALED TO ENSURE THAT NO PERSON TAKES ADVANTAGE OF THE RIGHTS OF THIS SECTION MORE THAN ONCE, TO PROVIDE THAT THE NONPUBLIC RECORD IS NOT SUBJECT TO RELEASE UNDER THE FREEDOM OF INFORMATION ACT, OR ANY OTHER PROVISION OF LAW EXCEPT TO AUTHORIZED LAW ENFORCEMENT AND COURT OFFICIALS, TO PROVIDE THAT, EXCEPT AS OTHERWISE PROVIDED BY LAW, UPON A PERSON'S CRIMINAL RECORD BEING SEALED THE PERSON IS PERMITTED TO RESPOND IN THE NEGATIVE TO ANY QUESTION INQUIRING AS TO WHETHER OR NOT THE PERSON HAS EVER BEEN CHARGED OR CONVICTED OF A CRIMINAL OFFENSE, OR TO ANY QUESTION WITH THE SAME SUBSTANTIVE CONTENT; THAT THE PERSON IS NOT REQUIRED TO DIVULGE INFORMATION PERTAINING TO THE SEALED RECORD OR TO ANY MATTER CONTAINED IN THE SEALED RECORD; AND THAT CONVICTIONS FOR WHICH THE RECORDS ARE SEALED DO NOT DISQUALIFY THE PERSON FROM PURSUING OR ENGAGING IN ANY LAWFUL ACTIVITY, OCCUPATION, PROFESSION, OR CALLING, AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO AN OFFENSE INVOLVING THE OPERATION OF A MOTOR VEHICLE, TO A VIOLATION OF TITLE 50 OR THE REGULATIONS PROMULGATED UNDER IT FOR WHICH POINTS ARE ASSESSED, SUSPENSION PROVIDED FOR, OR ENHANCED PENALTIES FOR SUBSEQUENT OFFENSES AUTHORIZED, OR TO AN OFFENSE CONTAINED IN CHAPTER 25 OF TITLE 16.

04/13/00 House Introduced and read first time HJ-12

04/13/00 House Referred to Committee on Judiciary HJ-12