**South Carolina General Assembly**

118th Session, 2009-2010

**A167, R197, H4205**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.R. Smith, G.M. Smith, Wylie, Hutto and Viers

Document Path: l:\council\bills\ms\7427ahb10.docx

Introduced in the House on January 12, 2010

Introduced in the Senate on April 20, 2010

Last Amended on April 15, 2010

Passed by the General Assembly on April 22, 2010

Governor's Action: May 12, 2010, Signed

Summary: Criminal records

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/17/2009 House Prefiled

 11/17/2009 House Referred to Committee on **Judiciary**

 1/12/2010 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C01-12-10.docx)‑29

 1/12/2010 House Referred to Committee on **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C01-12-10.docx)‑29

 2/25/2010 House Member(s) request name added as sponsor: Hutto

 3/24/2010 House Committee report: Favorable with amendment **Judiciary** [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C03-24-10.docx)‑26

 3/25/2010 House Member(s) request name added as sponsor: Viers

 4/15/2010 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-15-10.docx)‑39

 4/15/2010 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-15-10.docx)‑40

 4/15/2010 House Unanimous consent for third reading on next legislative day [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-15-10.docx)‑40

 4/16/2010 House Read third time and sent to Senate [HJ](file:///h%3A%5CHJ%20Archive%5C2010%5C04-16-10.docx)‑1

 4/20/2010 Senate Introduced, read first time, placed on calendar without reference [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-20-10.docx)‑5

 4/21/2010 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-21-10.docx)‑31

 4/22/2010 Senate Read third time and enrolled [SJ](file:///h%3A%5CSJ%20Archive%5C2010%5C04-22-10.docx)‑17

 5/6/2010 Ratified R 197

 5/12/2010 Signed By Governor

 5/21/2010 Effective date 05/12/10

 5/25/2010 Act No. 167

**VERSIONS OF THIS BILL**

[11/17/2009](file:///p%3A%5Cpprever%5C2009-10%5C4205_20091117.docx)

[3/24/2010](file:///p%3A%5Cpprever%5C2009-10%5C4205_20100324.docx)

[4/15/2010](file:///p%3A%5Cpprever%5C2009-10%5C4205_20100415.docx)

[4/20/2010](file:///p%3A%5Cpprever%5C2009-10%5C4205_20100420.docx)

(A167, R197, H4205)

**AN ACT TO AMEND SECTION 17‑1‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT, SO AS TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO CERTAIN OFFENSES INVOLVING VIOLATIONS OF BOATING AND DRIVING LAWS, CERTAIN ENACTMENTS PURSUANT TO THE AUTHORITY OF COUNTIES AND MUNICIPALITIES, AND OTHER STATE CRIMINAL OFFENSES IF THE VIOLATOR IS NOT FINGERPRINTED; AND TO ALLOW FOR THE ELECTRONIC TRANSMISSION OF INFORMATION WITH REGARD TO THIS SECTION.**

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

**Expungement of criminal charges, exceptions, electronic transmission of information**

SECTION 1. Section 17‑1‑40 of the 1976 Code, as last amended by Act 36 of 2009, is further amended by adding appropriately lettered subsections at the end to read:

 “( ) This section does not apply to a person who is charged with a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5, or any other state criminal offense if the person is not fingerprinted for the violation.

 ( ) The State Law Enforcement Division is authorized to promulgate regulations that allow for the electronic transmission of information pursuant to this section.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 6th day of May, 2010.

Approved the 12th day of May, 2010.

\_\_\_\_\_\_\_\_\_\_