**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4791**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Sellers

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Introduced in the House on March 25, 2010

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

Summary: Motor vehicle violation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/25/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\03-25-10.docx)‑56

3/25/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\03-25-10.docx)‑56

**VERSIONS OF THIS BILL**

[3/25/2010](file:///p:\pprever\2009-10\4791_20100325.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑100 SO AS TO PROVIDE THAT A PERSON MAY APPLY TO THE COURT TO HAVE A CRIMINAL RECORD FOR A MOTOR VEHICLE VIOLATION EXPUNGED UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Article 1, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑100. After a conviction for a first offense of any provision contained in this title, the person may, after three years from the date of completion of all terms and conditions of his sentence for the first offense, apply, or cause someone acting on his behalf to apply, to the court for an order expunging the records of the arrest and conviction. This provision does not apply to any crime classified as a felony, or contained in Section 56‑5‑2930 or 56‑5‑2933. If the person has had no other conviction during the three‑year period following the completion of the terms and conditions of the sentence, the court shall issue an order expunging the records. No person has any rights under this section more than one time. After the expungement, the South Carolina Law Enforcement Division and the Department of Motor Vehicles are 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 section more than once. This nonpublic record is not subject to release under the Freedom of Information Act or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this section from being used more than once.”

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

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