

Session 118 - (2009-2010)

**H*3022 (Rat #0089, Act #0036 of 2009) General Bill, By Kirsh, Wylie, G.M. Smith, Weeks and Mitchell
Similar (S 0310, S 0411)**

Summary: Criminal records

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS ACT" BY ADDING ARTICLE 9 TO CHAPTER 22, TITLE 17 SO AS TO PROVIDE A PROCEDURE FOR THE UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS, TO PROVIDE THAT APPLICATIONS FOR EXPUNGEMENT OF CRIMINAL RECORDS MUST BE ADMINISTERED BY THE SOLICITOR'S OFFICE IN EACH CIRCUIT, TO PROVIDE FOR THE DEVELOPMENT OF AN EXPUNGEMENT FORM, AND TO CREATE A UNIFORM FEE FOR EXPUNGMENT; TO AMEND SECTION 17-1-40, AS AMENDED, RELATING TO THE REQUIREMENT FOR THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND NOT GUILTY OF THE CHARGE, SO AS TO ALLOW CERTAIN DETENTION AND CORRECTIONAL FACILITIES TO RETAIN THOSE RECORDS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THE CIRCUMSTANCES UNDER WHICH THOSE RECORDS MAY BE RELEASED, AND TO PROVIDE A PENALTY FOR THE UNLAWFUL RELEASE OF THOSE RECORDS; BY ADDING SECTION 17-1-45 SO AS TO REQUIRE SOUTH CAROLINA COURT ADMINISTRATION TO INCLUDE NOTICE ON ALL BOND PAPERWORK AND COURTESY SUMMONS WHEN A PERSON MAY HAVE HIS RECORD EXPUNGED; TO AMEND SECTION 22-5-910, RELATING TO THE EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO CLARIFY THAT FIRST OFFENSE CRIMES CARRYING A PENALTY OF NOT MORE THAN THIRTY DAYS IMPRISONMENT OR A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, ARE ELIGIBLE TO BE EXPUNGED; TO AMEND SECTION 22-5-920, RELATING TO CONVICTION AS A YOUTHFUL OFFENDER, SO AS TO CHANGE THE WAITING PERIOD BEFORE A YOUTHFUL OFFENDER MAY APPLY TO HAVE HIS CRIMINAL ARREST AND CONVICTION EXPUNGED FROM FIFTEEN YEARS OF THE CONVICTION TO FIVE YEARS FROM THE COMPLETION OF THE SENTENCE; TO AMEND SECTION 44-53-450, RELATING TO CONDITIONAL DISCHARGE OF A PERSON FOUND GUILTY OF CERTAIN FIRST OFFENSE CONTROLLED SUBSTANCES OFFENSES, SO AS TO DELETE THE REQUIREMENT THAT THE PERSON MAY NOT BE OVER THE AGE OF TWENTY-FIVE TO HAVE HIS RECORD EXPUNGED PURSUANT TO THIS SECTION; AND TO DELAY THE IMPLEMENTATION OF THE TRAFFIC EDUCATION PROGRAM AS PROVIDED IN ACT 176 OF 2008. - ratified title

12/09/08	House	Prefiled
12/09/08	House	Referred to Committee on Judiciary
01/13/09	House	Introduced and read first time HJ-25
01/13/09	House	Referred to Committee on Judiciary HJ-25
02/19/09	House	Member(s) request name added as sponsor: Weeks
03/05/09	House	Committee report: Favorable with amendment Judiciary HJ-2
03/06/09		Scrivener's error corrected
03/25/09	House	Amended HJ-32
03/25/09	House	Read second time HJ-40
03/26/09	House	Reconsider vote whereby read second time HJ-20
03/26/09	House	Debate adjourned until Tuesday, March 31, 2009 HJ-21
03/31/09	House	Member(s) request name added as sponsor: Mitchell
03/31/09	House	Amended HJ-38
03/31/09	House	Read second time HJ-45
04/01/09	House	Read third time and sent to Senate HJ-30
04/01/09	Senate	Introduced and read first time SJ-12
04/01/09	Senate	Referred to Committee on Judiciary SJ-12
04/14/09	Senate	Referred to Subcommittee: Hutto (ch), Rose, Shoopman
05/06/09	Senate	Committee report: Favorable with amendment Judiciary SJ-12
05/07/09	Senate	Scrivener's error corrected
05/12/09	Senate	Committee Amendment Adopted SJ-24
05/12/09	Senate	Read second time SJ-24
05/13/09	Senate	Scrivener's error corrected
05/13/09	Senate	Read third time and returned to House with amendments SJ-17
05/20/09	House	Senate amendment amended HJ-36
05/20/09	House	Returned to Senate with amendments HJ-36
05/20/09	Senate	Concurred in House amendment and enrolled SJ-48

05/27/09 Ratified R 89
06/02/09 Signed By Governor
06/11/09 Effective date 06/02/09
06/12/09 Act No. 36