

## Session 120 - (2013-2014)

### H\*4560 (Rat #0320, Act #0276 of 2014) General Bill, By G.M. Smith and Weeks

**Summary:** Expungement of criminal records

AN ACT TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESTRUCTION OR EXPUNGEMENT OF CERTAIN ARREST AND BOOKING RECORDS UNDER CERTAIN CIRCUMSTANCES, SO AS TO DEFINE THE TERM "UNDER SEAL", TO PROVIDE IN THE CASE OF OFFENSES EXPUNGED FOR THE RETENTION BY LAW ENFORCEMENT AND PROSECUTION AGENCIES OF ARREST AND BOOKING RECORDS, ASSOCIATED BENCH WARRANTS, INCIDENT REPORTS, AND OTHER INFORMATION UNDER SEAL FOR THREE YEARS AND ONE HUNDRED TWENTY DAYS AND ALLOW FOR THEIR INDEFINITE RETENTION FOR CERTAIN DELINEATED PURPOSES, TO PROVIDE THAT THIS INFORMATION IS NOT A PUBLIC DOCUMENT AND IS EXEMPT FROM DISCLOSURE EXCEPT BY COURT ORDER, TO AUTHORIZE REDACTION OF CERTAIN INFORMATION IN AN INCIDENT REPORT IF A REQUEST IS MADE TO INSPECT OR OBTAIN AN INCIDENT REPORT PURSUANT TO THE FREEDOM OF INFORMATION ACT, AND TO PROVIDE A CRIMINAL PENALTY FOR PERSONS WHO VIOLATE PROVISIONS RELATING TO THE RELEASE OF AN INCIDENT REPORT; TO AMEND SECTION 22-5-910, AS AMENDED, RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO INCLUDE ASSOCIATED BENCH WARRANTS IN THE INFORMATION THAT MAY BE EXPUNGED; TO AMEND SECTION 17-22-910, RELATING TO APPLICATIONS FOR CERTAIN OFFENSES ELIGIBLE FOR EXPUNGEMENT, SO AS TO CONFORM THE PROVISIONS TO THAT OF SECTION 44-53-450 WHICH ALLOWS FOR EXPUNGEMENT OF CERTAIN DELINEATED DRUG OFFENSES; TO AMEND SECTION 17-22-940, RELATING TO THE EXPUNGEMENT PROCESS, SO AS TO INCLUDE THE TRAFFIC EDUCATION PROGRAM DIRECTOR'S PARTICIPATION IN THE PROCESS; AND TO AMEND SECTION 17-22-950, RELATING TO THE ISSUANCE OF EXPUNGEMENT ORDERS, SO AS TO MAKE A CONFORMING CHANGE TO ADD THAT ASSOCIATED BENCH WARRANTS ARE INCLUDED IN THE EXPUNGEMENT ORDER AND TO PROVIDE EXPUNGEMENT PROCEDURES WHEN CRIMINAL CHARGES ARE BROUGHT IN SUMMARY COURT WHEN THE PERSON WAS NOT FINGERPRINTED. - ratified title

01/23/14	House	Introduced and read first time (House Journal-page 30)
01/23/14	House	Referred to Committee on Judiciary (House Journal-page 30)
02/04/14		Scrivener's error corrected
02/26/14	House	Committee report: Favorable with amendment Judiciary (House Journal-page 55)
02/27/14	House	Member(s) request name added as sponsor: Weeks
03/04/14	House	Amended (House Journal-page 118)
03/04/14	House	Read second time (House Journal-page 118)
03/04/14	House	Roll call Yeas-106 Nays-0 (House Journal-page 123)
03/05/14		Scrivener's error corrected
03/05/14	House	Read third time and sent to Senate (House Journal-page 15)
03/05/14	Senate	Introduced and read first time (Senate Journal-page 10)
03/05/14	Senate	Referred to Committee on Judiciary (Senate Journal-page 10)
03/25/14	Senate	Referred to Subcommittee: Hutto (ch), Corbin, Young
05/21/14	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 18)
05/22/14		Scrivener's error corrected
05/22/14	Senate	Committee Amendment Amended and Adopted (Senate Journal-page 58)
05/22/14	Senate	Read second time (Senate Journal-page 58)
05/22/14	Senate	Roll call Ayes-39 Nays-0 (Senate Journal-page 58)
05/23/14		Scrivener's error corrected
05/27/14	Senate	Read third time and returned to House with amendments (Senate Journal-page 14)
05/29/14	House	Amended (House Journal-page 34)
05/29/14	House	Roll call Yeas-98 Nays-0 (House Journal-page 34)
05/29/14	House	Returned to Senate with amendments (House Journal-page 34)
06/03/14	Senate	Non-concurrence in House amendment (Senate Journal-page 55)
06/03/14	House	House insists upon amendment and conference committee appointed Reps. GM Smith, Rutherford, McCoy (House Journal-page 38)
06/04/14	Senate	Conference committee appointed Masey, Allen, Thurmond (Senate Journal-page 81)
06/05/14	House	Free conference powers granted (House Journal-page 87)
06/05/14	House	Roll call Yeas-98 Nays-0 (House Journal-page 87)

06/05/14	House	Free conference committee appointed GM Smith, Rutherford, McCoy (House Journal-page 88)
06/05/14	House	Free conference report received and adopted (House Journal-page 106)
06/05/14	House	Roll call Yeas-87 Nays-0 (House Journal-page 112)
06/05/14	Senate	Free conference powers granted (Senate Journal-page 59)
06/05/14	Senate	Free conference committee appointed Massey, Allen, Thurmond (Senate Journal-page 59)
06/05/14	Senate	Free conference report adopted (Senate Journal-page 59)
06/05/14	Senate	Ordered enrolled for ratification (Senate Journal-page 67)
06/09/14		Ratified R 320
06/09/14		Signed By Governor
06/13/14		Effective date 06/09/14
06/26/14		Act No. 276