





EXPUNGEMENT LAW

- June 2, 2009 – Uniform Expungement of Criminal Records Act was signed.
- May 12, 2010 – Governor Sanford signed into law House Bill 4205 addressing the expungement of **criminal offenses found in Titles 50 & 56, city or county ordinances, or any other criminal offense when the person is not fingerprinted.**



- 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:
 “(C) 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.



- If someone is not fingerprinted, they are not entitled to an expungement.



WHAT TO EXPUNGE

- The charges that are dismissed, nolle prossed or the defendant is found not guilty **AND** the defendant was booked into jail and fingerprinted for the offenses. (If fingerprinted on traffic offenses, you must expunge.)





WHAT NOT TO EXPUNGE

- **DO NOT** expunge cases that completed PTI, AEP, TEP or a conditional discharge.
- The Solicitor's Office is responsible for these cases.





WHAT NOT TO EXPUNGE

- The defendant was not fingerprinted.
- The defendant has charges pending in municipal court and general sessions and the charges arise out of the same incident.



HOW TO EXPUNGE

1. Immediately upon the disposition of dismissed, nolle prossed or not guilty, complete the expungement order (SCCA 223B) checking the box that indicates the statutory basis for the expungement. Each order shall contain only one charge, unless there are multiple charges from a single incident.
2. The prosecuting officer, attorney or affiant should sign (not date) the bottom of the order. This signature is not for consent. It verifies the disposition only.



3. If an appeal is filed within 10 days of the disposition, stop the expungement process.
4. The officer or prosecutor may object to the expungement for up to 30 days from the date of disposition.
5. Statutory reasons for an objection:
 - The accused has other charges pending
 - The prosecuting agency/police officer believes that the evidence needs to be preserved
 - The accused person's charges were dismissed as part of a plea agreement



7. Stamp all copies to be mailed with a Certified stamp (adding the date to that stamp is a great idea or use time/date stamp)
8. Have sheets of labels with the addresses already printed to expedite that process.
9. Make your folders.
10. File your original orders in a locked cabinet in a non-public area.





IMPORTANT ADDRESSES

- SLED
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- SCDMV
ATTN: SHIRLEY RIVERS
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