

STATE OF SOUTH CAROLINA



S.R. HUBBARD III

SOLICITOR, ELEVENTH JUDICIAL CIRCUIT

Edgefield • Lexington • McCormick • Saluda

Section 1

EXPUNGEMENT APPLICATION

Adult/Juvenile Eligible Charges

Directions for completion of Expungement Application. You must complete pages 1-4 (section 1) of this expungement application fully and clearly. (n/a =not applicable)

To **COMPLETE** the required **Expungement Application (pgs. 1-4)**, you will need a **CERTIFIED DISPOSITION** of the Charge(s) you wish to be expunged. (**NOT** from the Public Index or SLED record) The certified disposition **MUST** be submitted with the completed Application. (See page 6 question 8 to get information on where to obtain the disposition)

Please review **Frequently Asked Questions** (pgs. 5-8) and **What is eligible for Expungement?** (pgs. 9-12) and **EXPUNGEMENT FEES** on page 4 and page 6 question 7.

This Expungement Application covers the following eligible dispositions: (See pages 9-12 for details)

1. Dismissed, no-billed, or nol prossed (not prosecuted) charges, and not guilty verdicts in General Sessions
(Note: For **non-conviction charge in Magistrate/Municipal court**, contact the court where the charge was dismissed for expungement)
2. Fraudulent Check – First Offense conviction
3. Conditional Discharge – First Offense (*drug*) successful completion
4. Conditional Discharge – First Offense (*public disorderly conduct*) successful completion
5. Charge with a maximum penalty of up to 30 days and/or a fine of up to \$1,000 –conviction (includes DV 3rd and CDV conviction)
6. Youthful Offender Act – First Offense conviction
7. First Offense Simple Possession Controlled Substance OR Possession with Intent to Distribute – First Offense drug conviction
8. Failure to Stop Motor Vehicle – First Offense misdemeanor conviction
9. Completion of SC Youth Challenge Academy AND SC Jobs Challenge Program
10. Juvenile Records (includes Arbitration and DJJ contract completion)

Personal Information

Full Name (at the time of arrest): _____ Maiden/Alias(es): _____ Name/phone # of person filing application: _____

Current Mailing Address (include city, state, & zip code): If address changes, you **MUST** contact this office with new address

_____ Apt./Lot # _____ City _____ State _____ Zip Code _____

Phone Number(s):

Social Security Number:

Home: _____ Work: _____

_____ - _____ - _____

Cell: _____ Other: _____

Race: _____ Sex: _____ Age: _____

Check here if applicant is **currently incarcerated**.
(if checked, completed expungement will be mailed to SCDC Inmate Services)

DOB: _____
(**MUST provide proof of age if expunging juvenile record.**)

7-22-19

Davant C. Keenan, Expungement Services Coordinator

Expungement Services • Marc H. Westbrook Judicial Center • 205 East Main Street • Suite 105 • Lexington, South Carolina 29072
Direct: (803) 785-8037 • Main: (803) 785-8197 • Fax: (803) 785-8229

Arrest & Charge(s) Information

Put N/A if not applicable

<p><u>Defense Attorney Information</u> (put n/a if not applicable) (e.g. Private Attorney, Public Defender or Appointed Private Attorney):</p> <p>Name: _____</p> <p>Address (if available): _____</p> <p>_____</p>		<p><u>Bonding Company</u> (put n/a if not applicable):</p> <p>Name: _____</p> <p>Address (if available): _____</p> <p>_____</p>	
<p><u>County of Charge(s) to be Expunged:</u> (check applicable)</p> <p><input type="checkbox"/> Edgefield <input type="checkbox"/> McCormick</p> <p><input type="checkbox"/> Lexington <input type="checkbox"/> Saluda</p>		<p><u>Date of Arrest:</u> _____</p> <p><u>Arresting Agency:</u> _____</p> <p><u>Detention Center/Jail:</u> _____</p>	
<p><u>List Charge(s) seeking to be Expunged:</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>		<p><u>For this Date of Arrest, list all of the charges made against you:</u></p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p><u>Warrant/Ticket number of listed Charge(s):</u> (no warrant number if expungement is sought for Juvenile Charge)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>		<p><u>Disposition/Type of Charge:</u>(check applicable requests) see pages 9-12 for explanation</p> <p><u>Not Guilty Dispositions:</u></p> <p><input type="checkbox"/> Dismissed, Nol Prossed (not prosecuted), No-billed, or Not Guilty in General Sessions Court</p> <p><u>Juvenile Charges:</u></p> <p><input type="checkbox"/> Juvenile Charge (includes Arbitration and DJJ contract)</p> <p><u>Guilty/Deferred Dispositions:</u>(each may be used only once)</p> <p><input type="checkbox"/> Fraudulent Check conviction</p> <p><input type="checkbox"/> Conditional Discharge (<i>drug</i>)</p> <p><input type="checkbox"/> Conditional Discharge (<i>public disorderly conduct</i>)</p> <p><input type="checkbox"/> Misdemeanor conviction</p> <p><input type="checkbox"/> Youthful Offender Act conviction</p> <p><input type="checkbox"/> First Offense Simple Possession Controlled Substance OR Possession with Intent to Distribute conviction</p> <p><input type="checkbox"/> Failure to Stop Motor Vehicle conviction</p> <p><input type="checkbox"/> SC Youth Challenge Academy And SC Jobs Challenge Program completion</p>	
<p><u>Court that handled Charge(s) to be expunged:</u> (check applicable)</p> <p><input type="checkbox"/> General Sessions Court <input type="checkbox"/> DV/CDV Court</p> <p><input type="checkbox"/> Magistrate Court <input type="checkbox"/> Traffic Court</p> <p><input type="checkbox"/> City Court/Municipal Court</p> <p><input type="checkbox"/> Family Court <input type="checkbox"/> Arbitration/DJJ</p>		<p><u>Disposition Date for Charge(s):</u></p> <p>_____</p>	

List **ALL** other arrest charges, **include** pending, dismissed and convictions, on your record with **date** (MUST include ALL SC Counties, ALL States, and Federal) (*put N/A if not applicable*):

Have You Ever Applied for **OR** been granted an Expungement? YES NO

If **Yes**, please explain include County, Charge, Disposition, Date and reason for Expungement. _____

Checklist

MUST be completed to submit application.

1. Is the Expungement Application for a Charge(s) in Edgefield, Lexington, McCormick, or Saluda Counties?	Yes: <input type="checkbox"/>
2. Is the Expungement Application [pages 1, 2, 3 & 4 (section 1)] completed in its entirety?	Yes: <input type="checkbox"/>
3. Have you provided a Certified Disposition of the Charge(s) to be expunged? (See question 8 on page 6.)	Yes: <input type="checkbox"/>
4. Did you complete a Diversion Program on the charges you are requesting to be expunged? (ie: PTI, AEP or TEP)	Yes: <input type="checkbox"/> Not Applicable: <input type="checkbox"/> If yes, contact that Program for expungement. Do not complete this application.
5. If the Expungement Application is for Misdemeanor conviction (22-5-910) or Simple Possession of Controlled Substance/PWID (22-5-930), do you have any pending charges, arrests that do not have a disposition, on your SLED record for the past 5 years?	Yes: <input type="checkbox"/> Not Applicable: <input type="checkbox"/> If yes, you must supply all dispositions for pending charges with application.
6. If the Expungement Application is for a YOA or Destruction of Juvenile Record, have you included a copy of your proof of age (e.g. Driver's License)?	Yes: <input type="checkbox"/> Not Applicable: <input type="checkbox"/>
7. If the Expungement Application is for a Conditional Discharge, (1) have you provided documentation from the Clerk of Court or Judge's Office that all of the requirements have been met? (See question 12 on page 7) (2) have you previously received a conditional discharge?	(1)Yes: <input type="checkbox"/> Not Applicable: <input type="checkbox"/> (2)Yes: <input type="checkbox"/> Not Applicable: <input type="checkbox"/>
8. If the Expungement Application is for Youth Challenge completion, have you provided (1) documentation from the SC Youth Challenge AND SC Job Challenge that all of the requirements have been met, (2) proof of age and (3) disposition/adjudication?	(1)Yes: <input type="checkbox"/> Not Applicable: <input type="checkbox"/> (2)Yes: <input type="checkbox"/> Not Applicable: <input type="checkbox"/> (3)Yes: <input type="checkbox"/> Not Applicable: <input type="checkbox"/>
9. Have you provided all the necessary nonrefundable fees? (See page 4)	Yes: <input type="checkbox"/> Not Applicable: <input type="checkbox"/>

FEES *Refer to Expungement Fee Chart for guidance.

Check that ALL fees included with the Expungement Application are **SEPARATE US Postal Money Orders**. No address is required on the money orders for Solicitor's Office, SLED or Clerk of Court.

- Nonrefundable **Administrative Fee (\$250)** made payable to **11th Circuit Solicitor** (*in the form of US Postal Money Order*)
To include: §17-1-40 dismissal part of plea, §34-11-90(e), §44-53-450(b), §16-17-530(B), §22-5-910, §22-5-920, §22-5-930, §56-5-750(f), §17-22-1010, §63-19-2050
- Nonrefundable **Filing Fee (\$35)** made payable to the **Clerk of Court** (*in the form of a separate US Postal Money Order*)
To include: §34-11-90(e), §44-53-450(b), §16-17-530(B), §22-5-910, §22-5-920, §22-5-930, §56-5-750(f), §17-22-1010, §63-19-2050
- Nonrefundable **Verification Fee (\$25)** made payable to **SLED** (*in the form of a separate US Postal Money Order*)
To include: §34-11-90, §22-5-910, §22-5-920, §22-5-930, §56-5-750, §17-22-1010, §63-19-2050

EXPUNGEMENT FEE CHART

Statutes from the Code of Laws of South Carolina	Disposition	Administrative Fee	Verification Fee	Filing Fee
Section 17-1-40	Dismissed, Nol Prossed (not prosecuted), No-billed, or Not Guilty Verdicts	NONE <i>*Unless dismissal is part of plea agreement; then \$250</i>	NONE	NONE
Section 34-11-90(e)	Fraudulent Check – First Offense Misdemeanor conviction	\$250	\$25	\$35
Section 44-53-450(b)	Conditional Discharge – First Offense (<i>drug</i>)	\$250	NONE	\$35
Section 16-17-530(B)	Conditional Discharge – First Offense (<i>public disorderly conduct</i>)	\$250	NONE	\$35
Section 22-5-910	Misdemeanor which carries up to 30 days and/or up to \$1000 fine – includes DV 3 rd and CDV	\$250	\$25	\$35
Section 22-5-920	Youthful Offender Act – First Offense conviction	\$250	\$25	\$35
Section 22-5-930	First Offense Simple Possession Controlled Substance OR Possession with Intent to Distribute	\$250	\$25	\$35
Section 56-5-750(f)	Failure to Stop Motor Vehicle – First Offense conviction	\$250	\$25	\$35
Section 17-22-1010	SC Youth Challenge and SC Jobs Challenge Program Completion	\$250	\$25	\$35
Section 63-19-2050	Destruction of Juvenile Record- includes Arbitration and DJJ Contract completion	\$250	\$25	\$35

Please do not return pages 5-12 with application, keep them for your information.

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Section 2

FREQUENTLY ASKED QUESTIONS

1. What is an expungement?

- ❖ An expungement is a court order that removes criminal arrests/dispositions from your criminal record. It is also called an Order for Destruction of Arrest Records. *See §17-22-910* for the full text of the Uniform Expungement of Criminal Records Act. Expungement means that government records of an arrest/disposition are destroyed or sealed.

2. What must I do to apply for an expungement?

- ❖ Apply in the County where the arrest took place. If applying for expungement of an eligible offense(s) committed in Edgefield, Lexington, McCormick, or Saluda Counties you would apply in the Expungement Office of the Eleventh Circuit Solicitor's Office. **If you are seeking an expungement of a non-conviction in Magistrate or Municipal Court, you need to contact the clerk's staff in that court to obtain expungement on this charge.** A non-conviction refers to a charge that was dismissed, nol prossed (not prosecuted), no-billed, or not guilty verdicts.

3. If I successfully completed the Pretrial Intervention (PTI), the Alcohol Education Program (AEP), Drug Court, Traffic Education Program (TEP) or any other diversion program, how do I request an expungement?

- ❖ If you completed any of these diversion programs, contact your case manager at 803-785-8197 for instructions on the expungement process. **DO NOT** complete this Expungement Application.

4. When may I apply for an expungement?

- ❖ You may apply for an expungement for a charge that has been dismissed, nol prossed (not prosecuted), no-billed, or not guilty verdicts once the disposition is filed in the Clerk of Court's Office or the Judge's Office. For a conditional discharge, once you have successfully completed the requirements and the paperwork is available, you may apply for an expungement.
- ❖ For all other requests for expungements, see pages 9-12 for information regarding when you may apply for an expungement.

5. How long does the expungement process take?

- ❖ The process **may** take up to six (6) months from the date the Expungement Office receives the completed Expungement Application. You will **NOT** receive a confirmation of receipt of your Expungement Application. You **WILL** receive, by mail, a certified true copy of your filed Expungement Order, agency file list and an instruction letter. Please follow the directions on the letter that is mailed to you with your processed order. **If your address changes before you receive your filed expungement order you MUST contact this office.**

6. How do I submit my Expungement Application and where do I submit the Application?

- a. You **MUST** complete the **Expungement Application [pages 1, 2, 3 and 4(section 1)]**.
- b. You **MUST** obtain a copy of your certified disposition(s) for the charge(s) you are requesting expunged.
- c. You **MUST** obtain any other additional required documents as specified or requested.
- d. You **MUST** submit US Postal Money Order fees listed in Section 1 page 4 and Section 2 page 6.
- e. You **MUST** mail or hand-deliver completed expungement application to the Expungement Office between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday. If you have questions, a representative is available on Wednesdays from 9-11:30 and 1-4 for walk-ins and phone calls. (first come-first served basis)
- f. The **Expungement Services Office is located** in the Marc H. Westbrook Judicial Center, 205 E. Main Street, Suite 105, Lexington, South Carolina 29072.

Please do not return pages 5-12 with application, keep them for your information.

7. How much does expungement cost?

- ❖ Please refer to the Expungement Fees chart below for additional information.
- ❖ Expungement cost is determined by statute and fees are nonrefundable as provided by law. Fees are due for all expungement requests except when waived by law. (Fees are waived, by law, only when defendant is falsely accused of a crime as a result of identity theft. You must provide official documentation.)
- ❖ For General Sessions charges that were dismissed, nol-prossed (not prosecuted), no-billed, or not guilty verdicts these fees are not applicable. However, if the General Sessions charges are dismissed in exchange for a guilty plea, then the \$250 administrative fee is required.
- ❖ Note that **all nonrefundable expungement fees are to be paid by separate US Postal Money Orders and MUST be submitted with your Expungement Application.**

Statutes from the Code of Laws of South Carolina	Disposition	Administrative Fee	Verification Fee	Filing Fee
Section 17-1-40	Dismissed, Nol Prossed (not prosecuted), No-billed, or Not Guilty Verdicts	NONE <i>*Unless dismissal is part of plea agreement; then \$250</i>	NONE	NONE
Section 34-11-90(e)	Fraudulent Check – First Offense Misdemeanor conviction	\$250	\$25	\$35
Section 44-53-450(b)	Conditional Discharge – First Offense (<i>drug</i>)	\$250	NONE	\$35
Section 16-17-530(B)	Conditional Discharge – First Offense (<i>public disorderly conduct</i>)	\$250	NONE	\$35
Section 22-5-910	Misdemeanor which carries up to 30 days and/or up to \$1000 fine – includes DV 3 rd and CDV	\$250	\$25	\$35
Section 22-5-920	Youthful Offender Act – First Offense conviction	\$250	\$25	\$35
Section 22-5-930	First Offense Simple Possession Controlled Substance OR Possession with Intent to Distribute	\$250	\$25	\$35
Section 56-5-750(f)	Failure to Stop Motor Vehicle – First Offense conviction	\$250	\$25	\$35
Section 17-22-1010	SC Youth Challenge and SC Jobs Challenge Program Completion	\$250	\$25	\$35
Section 63-19-2050	Destruction of Juvenile Record- includes Arbitration and DJJ Contract completion	\$250	\$25	\$35

8. How do I obtain a certified disposition?

- a. For eligible convicted/conditional discharge cases in **Magistrate/Municipal Court**, you have to contact the clerk in the Judge's Office that presided over your case to obtain a copy of the certified disposition. For cases disposed of in **General Sessions**, you have to contact the Clerk of Court's Office in the county with jurisdiction over the Charge(s). For completion of SC Youth Challenge and SC Job Challenge, you must include information on the completion of the programs. We **cannot** accept printouts from the public index or SLED CATCH rap sheets for disposition documentation.

9. What is eligible for an Expungement?

- a. *See pages 9-12 for a detailed description* of what is eligible for an Expungement and the conditions that must be met for each eligible charge.

Please do not return pages 5-12 with application, keep them for your information.

10. What is ineligible for an Expungement?

- a. Certain traffic convictions and convictions classified as violent crimes under Section 16-1-60 of the Code of Laws of South Carolina (1976, as amended) cannot be expunged.
- b. If conditions/requirements are not met, then by law, expungements cannot be processed.
- c. All expungements, through the Solicitors Office, are done at the Solicitors discretion.

11. To apply for the Destruction of Juvenile Records, what do I need to submit along with my application? (includes Arbitration and DJJ Contract completion)

- a. You must be over 18 years of age to request a juvenile expungement, **unless** you were found Not Guilty in front of a Judge, in that case; you must submit an application and proof of your current age. (Driver's License) Also, you will need to submit the completed Expungement Application, which is pages 1, 2, 3 & 4 (section 1) of this packet, dispositional information (arbitration completion document) on charge and all applicable separate US Postal Money Orders.

12. For expungement requests for a Conditional Discharge, what do I need to submit along with my application?

- a. You must submit certified disposition and documentation from the County Clerk of Court or the Judge's Office that all of the conditional discharge requirements have been met, along with the completed Expungement Application, which is pages 1, 2, 3 & 4 (section 1) of this packet. In addition, you must include the separate US Postal Money Orders with the applicable fees.

13. May charges be combined on one expungement order?

- a. Any number of offenses, which the individual received sentences at a single sentencing proceeding that are closely connected and arose out of the same incident, may be combined on one order.
- b. The Expungement Office personnel will determine this.

14. How many times may I request an expungement?

- a. For the following, you may receive only **one expungement in a lifetime from EACH** of the following types of convictions: (charge must meet all eligibility requirements)
 - i. Fraudulent Check – First Offense conviction
 - ii. Conditional Discharge – First Offense (*drug*)
 - iii. Conditional Discharge – First Offense (*public disorderly conduct*)
 - iv. Conviction of a charge which carries a maximum penalty of up to 30 days and/or a fine of up to \$1,000 – includes DV 3rd and CDV
 - v. Youthful Offender Act – First Offense conviction
 - vi. First Offense Simple Possession Controlled Substance OR Possession with Intent to Distribute
 - vii. Failure to Stop Motor Vehicle – First Offense misdemeanor conviction
 - viii. Completion of SC Youth Challenge Academy AND SC Jobs Challenge Program
- b. For the following, you may request **multiple expungements** for each of the following:
 - i. Dismissed, no-billed, or nol prossed (not prosecuted) charges, and not guilty verdicts
 - ii. Juvenile Records (Must be eligible and Submit proof of age)

Please do not return pages 5-12 with application, keep them for your information.

15. If my expungement request is granted, will history of the charge(s) also be expunged from private and non-government businesses who report my criminal history based on public record?

- a. There are non-government businesses who create their own criminal history file based on public record files. When the expungement process is complete, the expunged charges are removed from the public record files of government agencies and the expunged charges are either destroyed or sealed. However, non-government businesses may not remove the expunged charges from their own criminal history file when the expunged charge(s) is no longer found in the public record files. You should use a **copy** of your final expungement order to submit to these non-government businesses if their records reflect the charge(s) that was expunged.

16. Do I need an attorney to request an expungement?

- a. The Solicitor's Office will prepare and process the expungement order. You may hire an attorney to prepare and process your expungement request.

17. Can I get a copy of my South Carolina Criminal History?

- ❖ Our office legally cannot provide you with a copy of your South Carolina Criminal History. To obtain a copy of your SC Criminal History, go to www.sled.sc.gov to make a request and pay the applicable fee for your SLED Catch. Arrests outside of South Carolina will not show on this SLED Catch. To obtain a copy of your complete Criminal History, please go to www.FBI.GOV and then to Background Checks and follow the directions.
- ❖ If you have additional arrests either in South Carolina or outside of South Carolina and you are applying for a SC expungement on anything other than a dismissed charge, you **MUST** supply any missing disposition documentation on all charges before a decision can be made on your SC expungement request.

18. Can someone apply for an expungement on my behalf?

- a. Yes. You or someone acting on your behalf may apply for an expungement.

19. Whom do I contact if I have questions about the expungement process?

- a. If you have questions that this packet does not answer, a representative is available on Wednesdays from 9-11:30am and 1-4pm for walk-ins and phone calls on a first come first served basis. If you need to schedule an appointment for another day, please contact the Expungement Services Office.

Please do not return pages 5-12 with application, keep them for your information.

Section 3

WHAT IS ELIGIBLE FOR AN EXPUNGEMENT?

Summary

1. Dismissed, no-billed, or nol prossed (not prosecuted) charges, and not guilty verdicts
2. Successful completion of PTI, AEP, Drug Court, or TEP
3. Fraudulent Check – First Offense misdemeanor conviction
4. Conditional Discharge – First Offense (*drug*)
5. Conditional Discharge – First Offense (*public disorderly conduct*)
6. Misdemeanor which carries a maximum penalty of up to 30 days and/or a fine of up to \$1,000—conviction (includes DV 3rd and CDV conviction)
7. Youthful Offender Act – First Offense conviction
8. Simple Possession Controlled Substance OR Possession with Intent to Distribute-- First Offense drug conviction
9. Failure to Stop Motor Vehicle – First Offense misdemeanor conviction
10. Completion of SC Youth Challenge Academy AND SC Jobs Challenge Program
11. Juvenile Records (includes Arbitration and DJJ completion)

1. Dismissed, no-billed or nol prossed (not prosecuted) charges, and not guilty verdicts. §17-1-40

- ❖ Dismissed, no-billed, or nol prossed (not prosecuted) charges, and not guilty verdicts may be expunged after the disposition is filed with the clerk of court's office or the judge's office. If you are seeking an expungement of a non-conviction in General Session Court, you need to contact Expungement Services at the Solicitor Office in that jurisdiction.
- ❖ If you are seeking an expungement of a non-conviction in Magistrate or Municipal Court, you need to contact the clerk's staff in that court.
- ❖ **Must be included in returned application:** section 1 (pgs 1-4), certified disposition and appropriate money orders (if applicable).

2. Charges dismissed after successful completion of the Pretrial Intervention (PTI), the Alcohol Education (AEP) or the Traffic Education (TEP) Program. §17-22-150(a), §17-22-330(a), §17-530(a)

- ❖ **CONTACT DIVERSION CASE MANAGER FOR EXPUNGEMENT at County where charge originated (for 11th Circuit call 803-785-8197).** Do NOT complete this Expungement Application.

3. Fraudulent Check – First Offense misdemeanor conviction. §34-11-90(e)

- ❖ A first offense misdemeanor conviction for Fraudulent Check may be expunged after one (1) year, but you **CANNOT** have any additional convictions, except minor traffic-related offense that is not related in any way to driving under the influence of alcohol or other drugs, within one (1) year from the conviction.
- ❖ This statute can only be used one time in a lifetime.
- ❖ **Must be included in returned application:** section 1 (pgs 1-4), certified disposition and appropriate money orders.

4. Conditional Discharge – First Offense conviction. §44-53-450(b) (*drug*)

- ❖ For a first offense Conditional Discharge under Sections 44-53-370(c), (d) and 44-53-375(a), following successful completion of all of the requirements of the conditional discharge, you may apply for an expungement. The person cannot previously have been convicted of any offense under this article or any offense under any state or federal statute relating to marijuana, or stimulant, depressant, or hallucinogenic drugs.
- ❖ This statute can only be used one time in a lifetime.
- ❖ **Must be included in returned application:** section 1 (pgs 1-4), certified disposition, proof of completion of requirements and appropriate money orders.

Please do not return pages 5-12 with application, keep them for your information.

5. **Conditional Discharge – First Offense conviction. §16-17-530(B) (public disorderly conduct)**

- ❖ For a first offense Conditional Discharge under Sections 16-17-530(B) for public disorderly conduct, following successful completion of all terms and conditions of the conditional discharge, you may apply for an expungement. The person cannot have previously been convicted of an offense pursuant to this section or any similar offense under any state or federal statute relating to drunk or disorderly conduct pleads guilty to or is found guilty of a violation of this section.
- ❖ This statute can only be used once in a lifetime.
- ❖ **Must be included in returned application:** section 1 (pgs 1-4), certified disposition, proof of completion of requirements and appropriate money orders.

6. **Conviction of a Crime which carries a maximum penalty of up to 30 days and/or a fine of up to \$1,000 – §22-5-910, (includes DV 3rd and CDV)**

- ❖ Conviction for a crime(s) which carries a maximum penalty of up to 30 days and/or \$1,000 fine, you may apply for an expungement after three (3) years from the date of the conviction, but you **CANNOT** have any additional convictions including out-of-state, except minor traffic-related offense that is not related in any way to driving under the influence of alcohol or other drugs, within three (3) years from the date of the conviction.
 - However, this section does not apply to an offense involving the operation of a motor vehicle.

OR

- ❖ Following a conviction for **Domestic Violence in the Third Degree** pursuant to Section 16-25-20(D) of the Code of Laws of South Carolina (1976, as amended), or **Criminal Domestic Violent** under the old law (prior to June 4, 2015), you may apply for an expungement after five (5) years from the date of the conviction, but you **CANNOT** have any additional convictions including out-of-state, except minor traffic-related offense that is not related in any way to driving under the influence of alcohol or other drugs, within five (5) years from the date of the conviction.
- ❖ Defendant cannot have any pending charges within 5 years at time of expungement and must supply dispositions for all pending charges as requested.
- ❖ This statute can only be used one time in a lifetime.
- ❖ **Must be included in returned application:** section 1 (pgs 1-4), certified disposition and appropriate money orders.

7. **Youthful Offender Act (YOA). §22-5-920.**

- ❖ Following a first offense conviction as a youthful offender for which a defendant is sentenced pursuant to the provisions of Youthful Offender Act, the defendant, who has not been convicted of any offense, including an out-of-state offense, while serving the youthful offender sentence, including probation and parole, and for a period of five years from the date of completion of the defendant's sentence, including probation and parole, may apply for an expungement. **Also**, a person who was convicted prior to June 2, 2010, and was a youthful offender, as defined, (17-24 years old) is eligible to apply to have his record expunged pursuant to the provisions of this section.
- ❖ However, this section does not apply to: (a) an offense involving the operation of a motor vehicle; (b) an offense classified as a violent crime in Section 16-1-60; (c) an offense contained in Chapter 25, Title 16, except as otherwise provided in Section 16-25-30; or (d) an offense for which the individual is required to register in accordance with the South Carolina Sex Offender Registry Act.
- ❖ Except minor traffic-related offense that is not related in any way to driving under the influence of alcohol or other drugs will not be considered as a bar to expungement
- ❖ This statute can only be used one time in a lifetime.
- ❖ **Must be included in returned application:** section 1 (pgs 1-4), proof of date of birth (ie. copy of driver's license), certified disposition and appropriate money orders.

Please do not return pages 5-12 with application, keep them for your information.

8. First Offense Simple Possession Controlled Substance OR Possession with Intent to Distribute §22-5-930

- ❖ Following a first offense conviction for either simple possession of a controlled substance or unlawful possession of a prescription drug, the defendant may apply to get his record expunged if the defendant has had no other convictions, to include out-of-state convictions, within three (3) years after the date of completion of the sentence. Defendant cannot have a conditional discharge within 5 years prior to the date of arrest of SPMJ or 10 years prior to the date of arrest of simple possession of any other controlled substance or unlawful possession of a prescription drug.

OR

- ❖ Following a first offense conviction for possession with intent to distribute a controlled substance, the defendant may apply to get his record expunged, if the defendant has no drug or felony convictions within 20 years after completion of sentence, to include probation, including out of state convictions.
- ❖ Defendant cannot have any pending charges within 5 years at time of expungement and must supply dispositions for all pending charges as requested.
- ❖ This statute can only be used one time in a lifetime.
- ❖ **Must be included in returned application:** section 1 (pgs 1-4), certified disposition and appropriate money orders.

9. Failure to Stop Motor Vehicle – First Offense. §56-5-750(f)

- ❖ Following a first offense misdemeanor conviction for Failure to Stop Motor Vehicle, the defendant may apply for expungement, but **CANNOT** have any additional convictions, except minor traffic-related offense that is not related in any way to driving under the influence of alcohol or other drugs, within three (3) years after the date of **completion of the sentence**.
- ❖ This statute can only be used one time in a lifetime.
- ❖ **Must be included in returned application:** section 1 (pgs. 1-4), certified disposition and appropriate money orders.

10. Completion of SC Youth Challenge Academy AND SC Jobs Challenge Program §17-22-1010

- ❖ A person who is eligible for expungement of his criminal record pursuant to the provisions of Sections 22-5-910, 22-5-920, 34-11-90(e), and 56-5-750(F) may apply to have his record expunged under this statute if he graduates and successfully completes the South Carolina Youth Challenge Academy **and** the South Carolina Jobs Challenge Program administered by the South Carolina Army National Guard. Such person may apply for expungement, with no additional convictions during the participation of the programs, immediately upon graduation and successful completion of the South Carolina Youth Challenge Academy and the South Carolina Jobs Challenge Program.
- ❖ This statute can only be used one time in a lifetime.
- ❖ **Must be included in returned application:** section 1 (pgs 1-4), proof of date of birth (ie. copy of driver's license), completion information from BOTH SC Youth Challenge AND SC Job Challenge Programs and appropriate money orders.

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11. **Destruction of Juvenile Records.** §63-9-2050

- ❖ Expungement allowed for:
 - Juveniles taken into custody and/or charged with, but not adjudicated for, a delinquent act, and
 - Juvenile offenders adjudicated delinquent for a status offense or non-violent crime.
- ❖ In order to expunge a person's juvenile records, the Court must find that:
 - The person is 18 years of age or older, and
 - The person does not have a prior adjudication for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult; and
 - If adjudicated, the juvenile has successfully completed any dispositional sentence; and
 - The person has not been subsequently adjudicated for or convicted of any criminal offense; and
 - The person does not have any criminal charges pending in Family Court or General Sessions.
- ❖ If the person was found **not guilty** in family court, the court shall grant the expungement order regardless of the person's age and the person must not be charged a fee for the expungement.
- ❖ Except minor traffic-related offense that is not related in any way to driving under the influence of alcohol or other drugs will not be considered as a bar to expungement
- ❖ **Must be included in returned application:** section 1 (pgs 1-4), copy of driver's license (date of birth), dispositional information from Juvenile Arbitration/DJJ and appropriate money orders (if applicable).