

THE STATE OF SOUTH CAROLINA

Race _____ Sex _____ Age _____
DOB _____ SSN _____
SID # _____

vs.

Charges were disposed of in the court indicated below:

Defendant

Magistrate Municipal General Sessions

AKA

IT APPEARS that the defendant is entitled to have all records relating to this offense expunged and destroyed according to the applicable section of the South Carolina Code of Laws indicated below:

Warrant/GS No. _____ Date of Arrest _____ Place of Arrest _____ County, S.C.

Arrest Charge _____

- § 17-1-40. The charge was dismissed, *not pressed* or the defendant was found not guilty on _____.
- § 17-22-150(a). The charge was *not pressed* on _____ by the Solicitor because the defendant successfully completed the Pre-Trial Intervention Program. (*PTI Director must attest to eligibility for expungement*).
- § 17-22-530(A). The charge was *not pressed* on _____ by the Solicitor because the defendant successfully completed the Alcohol Education Program. (*AEP Director must attest to eligibility for expungement*).
- § 34-11-90(e). The defendant was convicted of a first offense misdemeanor under the Fraudulent Check Law on _____ and no additional criminal conviction as defined by § 34-11-90(e) has taken place in one year from date of conviction.
- § 44-53-450(b). The defendant was charged with first offense simple possession of marijuana or hashish on _____, received a conditional discharge and has successfully complied with the terms as set forth by the court.
- § 22-5-910. The defendant was convicted of a first offense for a crime carrying penalty of not more than 30 days on _____, that offense did not involve the exceptions enumerated in § 22-5-910, and no additional criminal conviction as defined by § 22-5-910 has taken place within three years from date of conviction or five years from the date of conviction for criminal domestic violence. (*Summary Court Judge must attest to eligibility*).
- § 22-5-920. The defendant was convicted of a first offense as a youthful offender on _____, that offense did not involve the exceptions enumerated in § 22-5-920, and no additional criminal conviction as defined by § 22-5-920 has taken place during a five-year period following completion of his sentence, including probation and parole as a youthful offender.
- § 56-5-750(F). The defendant was convicted of a misdemeanor first offense failure to stop motor vehicle on _____ and no additional criminal conviction has taken place for three years after completion of the sentence.

SLED verifies the offense listed above is eligible for expungement: Yes No SLED _____ Date _____

IT IS ORDERED that all records relating to such arrest and subsequent discharge pursuant to the above-referenced section be dismissed, expunged and immediately destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency except nonpublic information retained on each person accepted for Pre-Trial Intervention pursuant to § 17-22-130, nonpublic information retained by SC Law Enforcement Division (SLED) pursuant to § 34-11-90(e), nonpublic information retained by the Department of Narcotic and Dangerous Drugs Under SLED pursuant to § 44-53-450, nonpublic information retained by SLED pursuant to § 22-5-910 and § 22-5-920, and nonpublic information retained by SLED and Department of Public Safety pursuant to § 56-5-750 (F).

- Solicitor: Consents
 Declines to Consent
 Determined ineligible for expungement

Circuit Solicitor

Signed this _____ day of _____,

I attest that the defendant is eligible for expungement pursuant to S.C. Code §17-22-150(a) (successful completion of PTI), §17-22-530(A) (successful completion of AEP), § 22-5-910 (summary court conviction) or § 44-53-450(b) (conditional discharge).

Circuit Court Judge

Director PTI / Director AEP/Summary Court Judge (circle one)

Defendant / Attorney for Defendant (Circle One)

Expunged by SLED by: _____ Date: _____ (For SLED internal use only)

Expungement Application Process

- (1) Pursuant to § 17-22-950, the Summary Courts are required to automatically issue orders of expungement for cases tried in their courts when the defendant is found not guilty, or if the charges are dismissed or nolle prossed. In all other situations, expungements are processed through the Solicitor's office in the circuit in which the offense was committed.
- (2) In exchange for an expungement service that is provided by the solicitor's office, the applicant must pay the following amounts to the solicitor in the form of separate certified checks or money orders:
 - (a) a non-refundable administrative fee of \$250.00 made payable to the solicitor,
 - (b) a non-refundable SLED verification fee of \$25.00 made payable to SLED, when applicable,
 - (c) a filing fee of \$35.00 made payable to the county clerk of court, when applicable.
 - (d) **Fee Exemption:** Pursuant to § 17-22-940(B), SC Code, any person who applies to the solicitor's office for an expungement of general sessions charges pursuant to Section 17-1-40 is exempt from paying the administrative fee, unless the charge that is the subject of the expungement request was dismissed, discharged, or nolle prossed as part of a plea arrangement under which the defendant pled guilty and was sentenced on other charges.
- (3) The solicitor will send the application to SLED in order to verify that the offense is eligible for expungement, as provided by the South Carolina Code of Laws.
- (4) SLED will return the application to the solicitor and indicate if the offense(s) is eligible for expungement.
- (5) If the offense is determined to be eligible for expungement by SLED, the solicitor will obtain all necessary signatures, including the signature of the PTI Director, AEP Director, the summary court judge, and the circuit court judge.
- (6) Once the order is signed by the circuit court judge, the solicitor will file the order with the clerk of court.
- (7) The solicitor will provide copies of the expungement order to all pertinent governmental agencies as well as the applicant or the applicant's attorney.

Pursuant to Section 17-22-950, SC Code, the summary courts are responsible for expunging the records of all criminal cases handled in their courts, including offenses found in title 56 (Traffic), Title 50 (DNR) which are disposed of pursuant to Section 17-1-40. The summary courts are also required to automatically issue orders of expungement for cases tried in their courts when the defendant is found not guilty, or if the charges are dismissed or nolle prossed.

EXPUNGEMENT ORDERS **SHOULD NOT** BE FORWARDED TO S.C. COURT ADMINISTRATION (SCCA): (1) for magistrate or municipal court convictions/dispositions, because SCCA does not retain information which identifies defendants by name or SSN for these charges; or (2) for general sessions convictions/dispositions because disposition data (including expungements) is sent to SCCA electronically, and expungements are automatically entered into SCCA records; or (3) for family court convictions/dispositions because disposition data (including expungements) is sent to SCCA electronically, and expungements are automatically entered into SCCA records