

State of South Carolina
Sixteenth Circuit Solicitor's Office
Kevin S. Brackett, Solicitor

Expungement Application Form

Complete All Requested Information

Full Name: _____

List All Other Names Used (Maiden, Divorced, Alias, Nickname): _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Phone Number(s): _____

Email Address: _____

Name on Arrest Ticket or Warrant: _____

Social Security Number: _____ Date of Birth: _____

Driver's License Number: _____ Sex: _____ Race: _____

If any of the above information was Listed Incorrectly on the Arrest Ticket or Warrant, please specify the incorrect information: _____

Arrest Charge(s): _____

Arrest Date: _____

City and County of Arrest: _____

Warrant or Ticket Number(s): _____

If Case was Dismissed, No Prossed or Found Not Guilty, list the date: _____

Pursuant to 17-1-40, No fee is required for Dismissed, Nol Prossed or Not Guilty charges. See attached Procedures

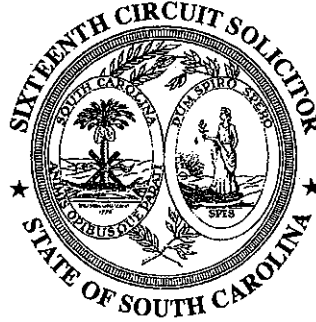
Three (3) Money Orders Are Required With Your Application:

1. **\$250.00 Money Order** made payable to the 16th Circuit Solicitor's Office for each requested Expungement.
2. **\$25.00 Money Order** made payable to SLED
3. **\$35.00 Money Order** made payable to the Clerk of Court

NOTE: Submitting an application for expungement **does not guarantee** that the charge(s) can be removed from my criminal record. The South Carolina Legislature and the South Carolina Law Enforcement Division (SLED) determine Eligibility for expungement. Laws regarding expungements are subject to change at any time with or without notice.

All FEES ARE NON-REFUNDABLE regardless of whether the charge(s) are found to be statutorily ineligible for expungement.

KEVIN S. BRACKETT
SOLICITOR



ANN O. MELTON
PROGRAMS DIRECTOR

CRIMINAL RECORD EXPUNGEMENT PROCEDURES

Provided by: York and Union County Diversion Program Office
Contact Persons: Bill Stinson, Lesley Anuthirakula, York Office (803) 628-3028
Holly Blackwell, Union Office (864) 466-3665

The procedure for the expungement of criminal records is handled according to the Order of the Chief Justice of South Carolina dated July 2003 and will be carried out as follows:

By State law, there are nine categories of cases in which the defendant is entitled to have all records relating to an arrest or conviction expunged and destroyed:

- I. Section 17-1-40. The charge was dismissed, nolle prossed, or the defendant was found not guilty. **(Note: charges dismissed per plea agreement or requests for Magistrate/Municipal dismissal incur a \$250 processing fee)**
- II. Section 17-22-150. The defendant successfully completed the Pre-Trial Intervention Program.
- III. Section 34-11-90 (e). The defendant was convicted under the Fraudulent Check Law and no additional criminal activity has taken place in one year from the date of conviction.
- IV. Section 44-53-450 (b). The defendant was convicted of first offense Simple Possession of Marijuana under the "conditional discharge" provisions of this specific law and has successfully complied with the terms of that sentence.
- V. Section 22-5-910. The defendant was convicted of an offense of a crime carrying a penalty of not more than thirty days imprisonment or a fine of five hundred dollars or both. This section does not apply to:
 - A. an offense involving the operation of a motor vehicle,
 - B. a fish, game or watercraft violation under Title 50 of the Code of Laws for which points are assessed, suspension provided for, or enhanced penalties for subsequent offenses authorized,
 - C. any offenses under Chapter 25 of Title 16 (Criminal Domestic Violence Offenses), except first offense Criminal Domestic Violence as contained in Section 16-25-20,

and no additional criminal activity has taken place within three years from the date of conviction. (5 years for CDV conviction)

- VI. Section 56-5-750. The defendant was convicted of a first offense, non-aggravated violation for Failure to Stop for a Blue Light and Siren, and had no other convictions for any crime for three years following the completion of all terms and conditions of the Blue Light sentence.
- VII. Section 22-5-920. Following the first offense conviction as a youthful offender for which a defendant is sentenced pursuant to the provisions of Chapter 19, Title 24, 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, or cause someone acting on the defendant's behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction.

The process for the expungement of a criminal charge is as follows:

- A. Obtain the necessary information for eligibility from the records of the Clerk of Court, Magistrate's Court, Municipal Court, NCIC, Sheriff's Department, Police Department, and/or other sources.
 - B. Prepare and type a proposed Order, acceptable to SC Court Administration.
 - C. Submit proposed order to SLED to confirm that the criminal charge is statutorily appropriate for expungement along with the \$25.00 fee (not required for 17-1-40, 17-22-150(a), or 44-53-450(b))
 - D. Obtain the signature of the Solicitor/Deputy Solicitor.
 - E. Obtain the approval and signature of a Circuit Court Judge.
 - F. File the original signed Order in the Office of the Clerk of Court (The law provides for a \$35.00 filing fee to be paid to the clerk at the time of filing, except when filing 17-1-40.)
 - G. Obtain certified copies of the Order from the Clerk of Court.
 - H. Deliver or mail certified copies of the Order to appropriate agencies.
- VII. Section 22-5-930A. The defendant was convicted of a first offense simple possession of a controlled substance Under Article 3, Chapter 53, Title 44 or unlawful possession of a prescription drug under Section 40-43-86 (EE) and no additional convictions, to include out-of-state convictions, have taken place during a three-year period following completion of the sentence, including probation, and parole.

VIII. Section 22-5-930B: The defendant was convicted of a first offense possession with intent to distribute a controlled substance under Article 3, Chapter 53, Title 44 and no additional convictions, to include out-of-state convictions, have taken place during a twenty-year period following completion of the sentence, including probation and parole.

The Solicitor's Office will process all steps for the applicant and mail (1) certified copy to the applicant if approved.

In exchange for this service, the applicant is responsible for payment of an administrative fee to the Solicitor's Office, in the form of a money order, in the amount of two hundred fifty dollars (\$250.00) **per order**, which shall be retained by the Solicitor's Office to defray the costs associated with this process. In addition, SLED shall receive a twenty-five dollar (\$25.00) money order, from the applicant, to confirm that the criminal charge is statutorily appropriate for expungement.

Requests arising under Section 17-1-40, where the charge was dismissed, nolle prossed, the defendant was found not guilty, or a charge arising out of identity theft, no fee shall be required. Exception is where the charge was dismissed per plea and the defendant pled to and was sentence on a related charge. A \$250 administrative fee applies.

If you would like the Solicitor's Office to research and process your expungement application, return the fully completed attached information sheet along with a **money order** in the amount of **\$250 per order** payable to the **16th Circuit Solicitor's Office** and **SEPARATE money orders** in the amount of **\$25** payable to **SLED**, and **\$35** payable to Clerk of Court to the below address.

PLEASE UNDERSTAND THAT THIS IS A RESEARCH AND PROCESSING FEE AND IS NON-REFUNDABLE. PAYMENT OF THIS FEE DOES NOT GUARANTEE AN EXPUNGEMENT OF YOUR CHARGES.

**16th Circuit Solicitor
Divisions Office
1675 York Highway
York, South Carolina 29745
(803) 628-3028**