



## EXPUNGEMENT APPLICATION

THE STATE OF SOUTH CAROLINA  
OFFICE OF THE SOLICITOR, SECOND JUDICIAL CIRCUIT  
Serving Aiken, Bamberg, and Barnwell Counties  
J. Strom Thurmond, Jr., Solicitor

*Please read completely before you make application:*

Under South Carolina Law there are certain criminal charges that may be removed from your criminal records. They are as follows:

**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)

**Do NOT complete this Expungement Application.**

**CONTACT CASE MANAGER FOR EXPUNGEMENT Dina Moseley (803-642-1557 OPT.1).**

- 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 immediately 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 after June 2, 2010 you need to contact the staff in that court.
- 2. 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 date of conviction. This includes having no convictions out of state.
- 3. Conditional Discharge – First Offense conviction.** §44-53-450(b)
  - For a first offense Conditional Discharge conviction 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.
- 4. 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 3<sup>rd</sup> and CDV)
  - Conviction for a crime which carries a maximum penalty of up to 30 days and/ \$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, 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.
  - 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, 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 at time of expungement.**

5. **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, 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.

6. **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 (cannot have a conditional discharge within 10 years prior to this date of arrest, 5 years for SPMJ). 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 the circuit court may issue an order expunging the records.

OR

- Following a first offense conviction for possession with intent to distribute a controlled substance, the defendant after twenty years from the date of the completion of any sentence, including probation and parole, for a drug conviction or any felony conviction may apply, to the circuit court for an order expunging the records of the arrest and conviction.

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

- Following a first offense misdemeanor conviction for Failure to Stop Motor Vehicle, after three (3) years from the date of completion of your sentence, you may apply for expungement, 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 three (3) years after the date of **completion of the sentence.**

8. **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 immediately upon graduation and successful completion of the South Carolina Youth Challenge Academy and the South Carolina Jobs Challenge Program

## EXPUNGEMENT APPLICATION

1. The applicant will apply to the solicitor in the circuit in which the offense(s) was committed.
2. The applicant must pay the following amounts to the Solicitor's office in the form of separate certified checks or money orders if applicable:
  - A non-refundable application fee of \$250.00 made payable to the Office of the Solicitor.
  - A non-refundable SLED fee of \$25.00 made payable to SLED
  - A filing fee of \$35.00 made payable to the county clerk of court.

### THE PROCESS:

1. The solicitor will send the application and the \$25.00 money order (when applicable) to SLED in order to verify that the offense is eligible for expungement, as provided by the South Carolina Code of Laws.
2. SLED will return the application to the solicitor and indicate if the offense(s) is eligible or ineligible for expungement.
3. If SLED denies the application, the process ends and the Solicitor notifies applicant of denial and returns to the applicant the \$35.00 money order made payable to the County Clerk of Court.
4. If SLED determines the offense is eligible for expungement, it is mailed back to the solicitor to continue with the process.
5. The order is then mailed to the summary court judge that originally heard the case. (Applicable to magistrate/municipal charges under Section 22-5-910 or 44-53-450(b)). He/she returns the application to the Solicitor's Office with their signatures.
6. If the offense is determined ineligible by the Solicitor, notation is made on the application and returned to the applicant with the \$35.00 money order made payable to the County Clerk of Court and the process ends.
7. If the Solicitor determines the offense to be eligible for expungement, it will be signed and given to the circuit court judge for his confirmation.
8. If the circuit court judge approves the application, he/she will return the signed order to the solicitor.
9. The solicitor will file the signed order and seven (7) copies of the order with the County Clerk of Court along with the \$35.00 filing fee (when applicable).
10. The solicitor will provide certified copies of the expungement order to all pertinent governmental agencies as well as the applicant or the applicant's attorney.

**PLEASE NOTE: ANY INFORMATION OBTAINED BY A THIRD PARTY VENDOR ON THE INTERNET CANNOT BE EXPUNGED BY THIS OFFICE.**

*Please note:* The following exceptions cannot be expunged:

- a. Wildlife and game convictions
- b. Traffic offense convictions
- c. General Sessions convictions (exceptions: Section 22-5-920 and Section 56-5-750(f) below)

Statutes from the Code of Laws of South Carolina	Disposition	Solicitor's Office	SLED	Clerk of Court
Section 17-1-40	Dismissed, Nol Prossed (not prosecuted), 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 conviction	\$250	NONE	\$35
Section 22-5-910	Misdemeanor which carries up to 30 days and/or up to \$1000 fine – includes DV 3 <sup>rd</sup> 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

Name: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Charge requesting to be expunged: \_\_\_\_\_

**I UNDERSTAND THE FOLLOWING:**

- An application does not guarantee I will have the charge removed from my criminal record; it is only upon the combined consent of the South Carolina Law Enforcement Division (SLED), the Solicitor, the Summary Court Judge and the Circuit Court Judge that this order will be granted.
- The processing fee to the Office of the Solicitor and to SLED is non-refundable regardless of the decision to consent or decline my application.
- All paperwork will be destroyed after 90 days from date of application should I decide not to pay fees associated with the expungement process.

\_\_\_\_\_  
Defendant signature

\_\_\_\_\_  
Date