

Expungement Process

The Solicitor's Office will not be able to discuss eligibility requirements or fees over the telephone or in the office. You must submit a written application.

Applications are accepted Monday-Friday from 8:30 am – 5:00 pm. Applications can be faxed to the Anderson location at (864) 260-1030 or to the Oconee location at (864) 638-4295. Please do not send any monies into our office until your record has been verified by our expungement coordinator and notified you of the fees.

Expungement requests are processed according to the date received in our office. We understand the urgency of your request and will process your application as quickly as possible. Due to the high volume of requests, the expungement process currently takes from 12 to 16 weeks or more.

WE DO NOT ISSUE BACKGROUND CHECKS.

**We cannot expunge media related information; this includes newspapers, TV, or data off the internet by 3rd party sites.

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

- A. Submit an application by mail, email, fax or in person. Our expungement coordinator will contact you regarding any fees associated with your case after your record is reviewed and will then complete the following steps when the applicable fees are paid. All fees are non-refundable!
- B. Obtain the necessary information for eligibility from the records of the Clerk of Court, Magistrate's Court, Municipal Court, NCIC, and Sheriff's Department, Police Department, and/or other sources.
- C. Prepare and type a proposed Order, acceptable to SC Court Administration.
- D. 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 §44-5-450(b).)
- E. Obtain the signature of the Solicitor/Deputy Solicitor.
- F. Obtain the approval and signature of a Summary Court Judge and/or Circuit Court Judge.
- G. 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.)
- H. Obtain certified copies of the Order from the Clerk of Court.
- I. Deliver or mail certified copies of the Order to appropriate agencies. Please keep in mind once we submit the orders to the proper agencies, it is that agencies responsibility to expunge the record.

Law enforcement, prosecution agencies and detention/correctional facilities are not obligated to destroy records under state law; however, the information is not for public dissemination.

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. Also, where applicable, a (\$35.00) Clerk of Court filing fee shall apply. Any person who applies to the Solicitor's Office for an expungement of General Sessions charges pursuant to § 17-1-40 is exempt from paying the administrative fee, unless the charge that is 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. These charges are subject to Solicitor's approval pursuant to § 17-22-940 and there will be a \$250 processing fee required for this service.

If the charge was dismissed by conditional discharge, completing the PTI, AEP, TEP, Juvenile Arbitration or Drug Court program, the cost would be a money order for \$250 made payable to Solicitor's Office and \$35 made payable to the Clerk of Court.

Charges dismissed in the magistrate and municipal courts will be expunged by order of the presiding magistrate or municipal judge pursuant to § 17-22-950, effective June 2, 2009.

Information provided by this office is correct at the time of application; however, SC Laws may change, and the current information provided may no longer be accurate.

Expungement of criminal records is handled according to the South Carolina Code of Laws:

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

I. § 17-1-40. The charge was dismissed, nolle prossed, or the defendant was found not guilty.

II. § 17-22-150(a). The defendant successfully completed the Pretrial Intervention Program.

III. § 17-22-530(A). The defendant successfully completed the Alcohol Education Program.

IV. § 17-22-330(A). The defendant successfully completed the Traffic Education Program.

V. § 34-11-90(e). The defendant was convicted under the Fraudulent Check Law and no convictions during the one-year period from the date of conviction (including out of state charges).

VI. § 44-53-450(b). The defendant was convicted under the "conditional discharge" provisions of this specific law, has no prior drug convictions, and has successfully complied with the terms of that sentence.

VII. § 22-5-910. The defendant was convicted for a crime in magistrates or general sessions court carrying a penalty of not more than thirty days imprisonment or a fine of not more than one thousand dollars, or both and no additional criminal conviction has taken place (including out of state offenses but excluding minor traffic violations not including DUI) within three years from the date of the conviction, or five years for CDV or DV with no charges pending.

However, convictions for the following cannot be expunged:

1. Traffic offense violations involving the operation of a motor vehicle.

VIII. § 56-5-750(F). 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.

VIII. § 22-5-920. Following the first offense conviction as a youthful offender, 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.

X. § 22-5-930. (A) First Offense conviction for Simple Possession, including magistrate or general sessions and no other convictions (including out of state offenses, but excluding minor traffic violations not including DUI) within three years from the date of completion of the sentence, including probation and parole, for this conviction and no pending charges. (B) First offense conviction for possession with intent to distribute and no convictions within twenty years from the date of completion of any sentence and no pending charges.