



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:

Section 17-1-40. A charge that has been dismissed, nol-prossed, or the defendant was found not guilty.

Section 17-22-150(a). Charges that have been dismissed by Solicitor because the defendant successfully completed the **Pre-Trial Intervention Program**. (You must contact Dina Moseley with PTI to receive complete instructions).

Section 17-22-530(a). Charges that have been nol prossed by Solicitor because the defendant successfully completed the **Alcohol Education Program (AEP)**. (You must contact Dina Moseley with PTI to receive complete instructions).

Section 34-11-90(e). First offense singular check misdemeanor conviction under the Fraudulent Check Law provided no additional criminal conviction has taken place in one year from date of conviction.

Section 44-53-450(b). Conviction of a first offense Simple Possession of Marijuana charge where a conditional discharge was received and the defendant successfully complied with the terms of that sentence.

Section 22-5-910. Conviction of a first offense in a Magistrate or Municipal court and no additional criminal conviction has taken place within three years from date of conviction. (exception: For a first offense conviction of Criminal Domestic Violence, the waiting period before application is **five** years.) **Only your first offense is eligible and the law specifies that the offense must be a single crime.**

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)

Section 22-5-920. Conviction of a first offense as a youthful offender under the Youthful Offender Act (YOA) and no additional criminal convictions have taken place during a 5 year period after completion of probation or parole.

Section 56-5-750(f). Conviction of a misdemeanor first offense Failure to Stop for Blue Light and no additional conviction has taken place for three years after completion of the sentence.

| <i>Breakdown of fees per statute</i> | | <u>ALL FEES MUST BE SEPARATE MONEY ORDERS</u> | | |
|--|---|--|----------------|-----------------------|
| Statute | Disposition | Solicitor | SLED | Clerk of Court |
| <i>17-1-40</i> | <i>dismissal, nol prossed, not guilty</i> | <i>none</i> | <i>none</i> | <i>none</i> |
| (Unless dismissal is part of plea agreement | | \$250.00 | none | none) |
| <i>34-11-90(e)</i> | <i>fraudulent check conviction</i> | <i>\$250.00</i> | <i>\$25.00</i> | <i>\$35.00</i> |
| <i>44-53-450(b)</i> | <i>conditional discharge</i> | <i>\$250.00</i> | <i>none</i> | <i>\$35.00</i> |
| <i>22-5-910</i> | <i>1st offense conviction</i> | <i>\$250.00</i> | <i>\$25.00</i> | <i>\$35.00</i> |
| <i>22-5-920</i> | <i>1st offense conviction/YOA</i> | <i>\$250.00</i> | <i>\$25.00</i> | <i>\$35.00</i> |
| <i>56-5-750(f)</i> | <i>1st offense failure to stop</i> | <i>\$250.00</i> | <i>\$25.00</i> | <i>\$35.00</i> |

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

APPLICATION FOR EXPUNGEMENT: *We must have the following information from you*

Name: _____

Date of Birth: _____ **SSN:** _____

Mailing Address, City, State, Zip: _____

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 (S.L.E.D.), the Solicitor, the Summary Court Judge and the Circuit Court Judge that this order will be granted.
- I may hire an attorney to assist me during any step of the expungement process.
- The processing fee to the Office of the Solicitor and to S.L.E.D. 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

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 in the form of separate certified checks or money orders AT TIME OF APPLICATION:
 - A non-refundable application fee of \$250.00 made payable to the Office of the Solicitor.
 - A non-refundable SLED verification fee of \$25.00 made payable to SLED. This fee does not apply when seeking an expungement under section 17-1-40 (dismissed; nol prossed; or found not guilty); section 17-2-150(a) (PreTrial Intervention); or section 44-53-450(b) (a conditional discharge).
 - A filing fee of \$35.00 made payable to the county clerk of court. This fee does not apply when seeking an expungement under section 17-1-40 (dismissed; nol prossed; or found not guilty).

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.