

The State of South Carolina
Office of Solicitor
Second Judicial Circuit



Bill Weeks
Solicitor
Serving Aiken, Barnwell,
& Bamberg Counties

Aiken County Judicial Center
109 Park Avenue, SE/PO Drawer 3368
Aiken, SC 29802
phone: 803-502-9000/Fax: 803-642-7530

EXPUNGEMENT APPLICATION

(Submit this page to the Office of Solicitor, Second Judicial Circuit)

PLEASE ANSWER THE FOLLOWING QUESTIONS:

Were you fingerprinted for the charge you are trying to get expunged? Yes No

Have you ever had an expungement in South Carolina? Yes No

Do you have ANY charges pending at this time: (in SC or out of state) Yes No

I am requesting an expungement for one or more of the options below: (please check all that apply to this Expungement Application)

- | | |
|---|---|
| <input type="checkbox"/> Adult Charges | <input type="checkbox"/> Dismissed charges General Sessions |
| <input type="checkbox"/> Juvenile Charges | <input type="checkbox"/> Dismissed charges Magistrate/Municipal Court |
| <input type="checkbox"/> Prior Conviction | <input type="checkbox"/> Completed PTI/AEP/TEP Diversion Program |
| <input type="checkbox"/> Currently on Probation | <input type="checkbox"/> Conditional Discharge |
| <input type="checkbox"/> 1st Offense Fraudulent Check | <input type="checkbox"/> Youthful Offender |
| <input type="checkbox"/> Failure to Stop for Blue Light | <input type="checkbox"/> Drug Conviction |

What charge(s) are you seeking an expungement for (list by priority):

1. _____ Date of Charge: _____
2. _____ Date of Charge: _____
3. _____ Date of Charge: _____

PLEASE NOTE THAT FELONY CONVICTIONS ARE NOT ELIGIBLE FOR EXPUNGEMENT.

You must contact the South Carolina Department of Probation, Parole and Pardon Services for more information concerning a pardon for those charges.

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Name: _____
 First Middle Last

Other names used (Maiden, Previous Married Names, Nicknames):

Mailing Address (Post Office or Street Address) & Apartment or Lot #

City _____ State _____ Zip _____

Telephone(s): Home: _____ Cell: _____

Race: _____ Sex: _____ Date of Birth: ____/____/____

Age: _____ Social Security Number: _____

The Solicitor's Office cannot expunge any information that was released by the media or information provided by private agencies on the internet. We are not responsible for any information that the media or private agencies have released to third party vendors.

Eligibility: I understand that submitting an Expungement Application does not guarantee the charge(s) can be removed from my criminal record. Only a thorough search of my criminal record will reveal if I am eligible. Eligibility for expungement is determined by South Carolina Legislature.

Fees: Upon review of my application, I will be notified by letter if additional information or fees are needed for the expungement process. I may be required to pay a non-refundable \$250.00 administrative fee, a \$25.00 SLED verification fee, and a \$35.00 Clerk of Court filing fee. **I UNDERSTAND THE FEES ARE NON-REFUNDABLE and must be paid by money order.**

I have read and I understand the above information provided to me by the Office of Solicitor regarding my expungement request. I understand that all paperwork will be destroyed after 90 days from date of application should I decide not to pay fees or not follow through with instructions given to me at time of application.

Applicant Signature

Date

SOUTH CAROLINA EXPUNGEMENT STATUTES EXPLAINED

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 printed and faxed to 803-648-2346 or emailed to KLynch@aikencountysc.gov. Our office will notify you within 2 weeks. Please do not send any monies into our office until our expungement coordinator has notified you if fees are applicable for your expungement request.

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 complete expungement process currently takes 10 to 12 weeks.

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 an Expungement order as mandated by S.C. Legislature:

1. The applicant or his representative may submit an application by mail, fax or hand delivering. Our expungement coordinator will then contact the applicant regarding any fees that may be due after your record is reviewed. All fees are non-refundable!
2. The Solicitor's Office will 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.
3. The Solicitor's Office will prepare and type an "Order for Destruction of Arrest Records" (Expungement) acceptable to SC Court Administration.
4. The Solicitor's Office will submit the Expungement order to SLED to confirm the criminal charge is statutorily appropriate for Expungement along with the \$25.00 fee (not required for sections 17-1-40, 17-22-150(a), 17-22-330(A); 17-22-530(A); or 44-5-450(b).
5. The Solicitor's Office will obtain the approval and signature of the Solicitor.
6. The Solicitor's Office will obtain the approval and signature of a Circuit Court Judge.
7. The Solicitor's Office will file the original signed Expungement 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.)
8. The Solicitor's Office will obtain seven certified copies of the Expungement Order from the Clerk of Court.
9. The Solicitor's Office will mail certified copies of the Expungement Order to all agencies involved in the arrest or detainment of the applicant. **The remaining orders will be sent to the applicant.**

SOUTH CAROLINA EXPUNGEMENT STATUTES EXPLAINED

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 cannot be used for public dissemination.

In exchange for this service, the applicant is responsible for payment of an administrative fee to the Solicitor's Office. That fee must be a money order for the amount of two hundred and fifty dollars (\$250) 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 (\$25) dollar money order from the applicant, to confirm that the criminal charge is statutorily appropriate for expungement. Also, a thirty five (\$35) dollar money order made out to the Clerk of Court for a filing fee may apply.

Requests arising under Section 17-1-40, where the charge was dismissed, nolle prossed, or the defendant was found not guilty, no fee is required by our office; unless the dismissal was the result of a plea bargain. In those cases, the processing fee is a money order for \$250 made out to the Office of Solicitor.

For charges that were dismissed in Magistrate or Municipal court: If the dismissal was obtained before June 2nd, 2010, the Office of Solicitor will process this free of charge for you. If the dismissal was obtained after June 2nd, 2010, you must contact the Magistrate or Municipal court that heard the case to get this expunged from your criminal history.

Please note, convictions for the following cannot be expunged:

- ❖ ***wildlife and game violations***
- ❖ ***traffic offense violations***
- ❖ ***charges where enhanced penalties for subsequent convictions are authorized (with the exception of CDV 1st Offense, effective 1-1-04)***

Successful Completion of a Diversion Program: *Must contact Dina Moseley at 803-502-9000 ext 1331.* Fees may apply for an expungement upon completion of a diversionary program.

Section 17-22-150. Pre-Trial Intervention Program (PTI).

Section 17-22-520. Alcohol Education Program (AEP).

Section 17-22-330. Traffic Education Program (TEP).

Juvenile Expungements: *Must contact Julia Smith at 803-502-9000 ext. 1351* for more information. Fees may apply when seeking an expungement of Juvenile records.

Section 63-19-2050. Juvenile Arbitration Program & Department of Juvenile Justice Contract

SOUTH CAROLINA EXPUNGEMENT STATUTES EXPLAINED

Section 17-1-40. The charge was dismissed, nol prossed, or the defendant was found not guilty. (Our office will process a Magistrate and Municipal dismissal obtained before June 2nd, 2010; however, a dismissal obtained in a magistrate or municipal court after June 2nd, 2010 must be processed in the original court that disposed the charge.)

***FEE: Free of charge unless dismissed due to plea agreement. If so, fee will be \$250 to Office of Solicitor.**

Section 34-11-90 (e). The defendant was convicted under the Fraudulent Check Law and no additional criminal activity has taken place in one (1) year period from the date of conviction including out of state convictions. This applies to a single fraudulent check. No person may have his record expunged under this section more than once.

***FEE: three money orders / \$250 to Office of Solicitor; \$35 to Clerk of Court; \$25 to SLED**

Section 44-53-450 (b). The defendant was convicted of a drug offense relating to marijuana, or stimulant, depressant, or hallucinogenic drugs, and was found guilty of possession of controlled substance under Section 44-53-370(c and (d)) or Section 44-53-375(A) in magistrate, municipal or General Sessions Court under the “conditional discharge” provisions of this specific law and has successfully complied with the terms of that sentence. No person may have his record expunged under this section more than once.

***FEE: two money orders / \$250 to Office of Solicitor; \$35 to Clerk of Court**

Section 22-5-910. The defendant was convicted of a first offense in a magistrate’s or municipal court for a crime carrying a penalty of not more than thirty (30) days imprisonment or a fine of not more than one thousand (\$1,000) dollars, or both and no additional criminal conviction has taken place within three (3) years from the date of the conviction, or five (5) years for Criminal Domestic Violence or Domestic Violence. You cannot have pending charges under any jurisdiction. No person may have his record expunged under this section more than once.

***FEE: three money orders / \$250 to Office of Solicitor; \$35 to Clerk of Court; \$25 to SLED**

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. No person may have his record expunged under this section more than once.

***FEE: three money orders / \$250 to Office of Solicitor; \$35 to Clerk of Court; \$25 to SLED**

Section 22-5-920. Following the first offense YOA conviction, (or not sentenced specifically under the YOA prior to June 2nd, 2010 but was between the ages of 17 and 24 at the time of conviction) the defendant, five years from the date of the completed sentence (including probation) may apply, or cause someone acting on his behalf to apply, to the circuit court for an order expunging the records of the arrest and conviction. No person may have his record expunged under this section more than once.

***FEE: three money orders / \$250 to Office of Solicitor; \$35 to Clerk of Court; \$25 to SLED**

SOUTH CAROLINA EXPUNGEMENT STATUTES EXPLAINED

Section 22-5-930(A). The defendant was convicted as a Simple Possession of Controlled Substance or Unlawful Possession of Prescription Drug (including Magistrate, Municipal or General Sessions charges). It has been at least three (3) years from the date of completion of the sentence, including probation and parole and there has been no other convictions, including out of state convictions. Cannot have pending charges unless those charges have been pending more than five (5) years.

(NOTE: for seeking an expungement under the above section if you have had a Conditional Discharge in the past. No person may have records expunged pursuant to the section if the person has had a conditional discharge within the five (5) years prior to the date of arrest for the charge sought to be expunged if the charge sought is Simple Possession of Marijuana OR within ten (10) years prior to the date of arrest for the charge sought if the charge is for Simple Possession of any other controlled substance or the unlawful possession of a prescription drug.)

Section 22-5-930(B). For the Possession with Intent to Distribute: convicted on a first offense possession with intent to distribute a controlled substance and no other convictions including out of state *within twenty (20) years* from the date of completion of sentence which includes the probation and parole. You cannot have pending charges unless those pending charges are more than five (5) years old. No person may have his record expunged under this section more than once.

***FEE: three money orders / \$250 to Office of Solicitor; \$35 to Clerk of Court; \$25 to SLED**

Section 17-22-1010. SC Youth Challenge and SC Jobs Challenge Program. A person who is eligible for expungement of his criminal record pursuant to the provisions of Section 22-5-910; 22-5-920; 34-11-90(e); and 56-5-750(F) may apply to and successful completes the SC Youth Challenge and SC Jobs Challenge programs administered by the SC Army Nation Guard. This person may apply (A) immediately upon graduation and successful completion of said programs or (B) approximately one year and has had no other convictions during the waiting period. No person may have his record expunged under this section more than once.

***FEE: three money orders / \$250 to Office of Solicitor; \$35 to Clerk of Court; \$25 to SLED**