



222 Rutherford Street, Greenville, South Carolina 29609 | (864) 546-5089 | southcarolina@rootandrebound.org

Expungements in South Carolina

IMPORTANT: This information applies to South Carolina ONLY. If you have out-of-state or federal charges on your background, the following information does NOT apply to those charges.

***Positive effects of expungement:**

- Most *private* employers, landlords, insurance companies, creditors, and other people will NOT be able to see an expunged conviction if they run a background check on you. This does NOT apply to criminal justice and federal agencies or the military.
- For job applications with *private* employers, if you are asked if you have a conviction and the conviction has been expunged, you *can* and *should* answer, “No.”
- Per South Carolina law, employers CANNOT use expunged charges against you.
- Please note that under the current law in South Carolina, expungements do NOT restore civil rights. If you are concerned that a South Carolina offense is preventing you from exercising a civil right (such as serving on a jury or owning a firearm), you will have to explore the pardon process in South Carolina.

***How do I get a copy of my RAP sheet?** “RAP” stands for “Record of Arrests and Prosecutions.” The South Carolina Law Enforcement Division (SLED) is the agency that maintains criminal background checks for this state. You can get a copy of your RAP sheet from SLED two ways:

- Online: Go to catch.sled.sc.gov and enter the required information. It will cost \$25.00 using a credit or debit card and a \$1.00 processing fee.
- Mail: You can print out a copy of SLED’s Criminal Records Check Form at <https://catch.sled.sc.gov/images/SLEDCATCHFormfillable.pdf>. You will have to pay \$25.00 by money order and include a self-addressed stamped envelope.

***Once you have a copy of your RAP sheet from SLED, now what?**

- If one of your charges does NOT list a disposition (like trial, plea, or dismissal), you will need to call the Clerk of Court OR the summary court in the county where you were charged. You can usually find the phone number for these courts with a simple Google search.
- You need to confirm that you have paid all fines and fees, like restitution and court fines.
- If there is a mistake on your RAP sheet, you can request a correction with SLED, but you will have to get copies of the court documents (like your sentencing sheet or a “certified disposition”) from either the Clerk of Court or the Summary Court where your charge was heard.
- If you have out-of-state or federal charges on your background, you need to request your RAP sheet through the FBI (information on that process is available here--<https://www.edo.cjis.gov/>). **It is important to know if you have these charges on your record, because that can affect whether you are eligible for expungement in South Carolina.**

***What charges can be expunged?** Only specific charges with special outcomes can be expunged under South Carolina law. You can only use each rule one time. **Generally** (NOTE: There may be other



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requirements that are not be listed below), here are the situations where you may be eligible for expungement:

- Any charge that was **dismissed, nolle prossed, no-billed**, or you were found **not guilty**. This is the **ONLY** expungement law that can be used more than once.
- Any charge that carries up to **30 days in jail** or a **\$1000 fine** (except for *driving* offenses), where you do NOT have any new convictions for **three (3) years** after your conviction date.
- **Criminal domestic violence – 1st offense** (prior to 2015) and **Domestic Violence – 3rd degree** where you do NOT have any new convictions for **five (5) years** after your conviction date.
- Any **nonviolent** charge (except for *driving* offenses, *domestic violence* offenses, and any offense that requires registration as a *sex offender*) where you received a **Youthful Offender Act (YOA) sentence** where you do NOT have any new convictions during the YOA or for **five (5) years** after completion of the sentence.
 - *Before* June 2, 2010: Must only *qualify* for a YOA sentence.
 - *After* June 2, 2010: Must have received an *explicit* YOA sentence from Court.
- **Possession of a controlled substance – 1st offense** where you do NOT have any new convictions for **three (3) years** after completion of the sentence.
- **Possession with intent to distribute (PWID) – 1st offense** where you do NOT have any new *drug* or *felony* convictions for twenty (20) years after completion of the sentence.
- **Fraudulent check – 1st offense (misdemeanor ONLY)** where you do NOT have any new convictions for **one (1) year** after your conviction date.
- **Failure to Stop for Blue Light (FTSBL) – 1st offense** where you do NOT have any convictions for **three (3) years** after completion of the sentence.
- **Pre-Trial Intervention (PTI)** – after successful completion.
- **Traffic Education Program (TEP)** – after successful completion.
- **Alcohol Education Program (AEP)** – after successful completion.
- **Conditional Discharge** – after successful completion.

***To apply for expungement:**

- If you have any questions or concerns, you may want to hire an attorney to advise you.
- Each circuit has a different application. You can find what circuit (there are 16) contains which counties here-- https://en.wikipedia.org/wiki/South_Carolina_Circuit_Court.
- To get an application, check the necessary Solicitor's Office's website OR call the necessary Solicitor's Office and ask to speak to someone in the expungement division.
- Read your application carefully. Each circuit may have different requirements. Make sure to fill out the application in full. If you don't know the answer, you can write, "I don't know."
- If fees are required, you will have to pay those with separate money orders. You will need a money order made out to SLED (\$25), one made out to the Clerk of Court's Office (\$35) and one made out to the Solicitor's Office (\$250). Most circuits will allow you to submit the application first *then* tell you what fees you owe if your charge is eligible for expungement.