



INSTRUCTION LETTER

INSTRUCTION NUMBER: 15-08

TO: Upstate Workforce Investment Board Contractors

SUBJECT: Expungement Application Process for General Sessions

DATE ISSUED: September 17, 2015 **DATE EFFECTIVE:** Immediately **DATE EXPIRES:** Indefinitely

PURPOSE: To inform staff and WIOA clients on the Expungement Process.

POLICY: Many times criminal backgrounds create a barrier to employment. Some convictions can be expunged from personal records.

ACTION: Please see the process below.

- (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:
 - (a) a non-refundable administrative fee of \$250.00 made payable to the solicitor,
 - (b) a non-refundable SLED verification fee of \$25.00 made payable to SLED, when applicable,
 - (c) a filing fee of \$35.00 made payable to the county clerk of court, when applicable.
- (3) Pursuant to Section 17-22-940(B), of the South Carolina Code of Laws, any person who applies to the solicitor's office for an expungement of general sessions charges pursuant to Section 17-1-40 is exempt from paying the administrative fee, unless the charge that is the subject of the expungement request was dismissed, discharged, or null prossed as part of a plea arrangement under which the defendant pled guilty and was sentenced on other charges.
- (4) The solicitor will send the application to SLED in order to verify that the offense is eligible for expungement, as provided by the South Carolina Code of Laws.
- (5) SLED will return the application to the solicitor and indicate if the offense(s) is eligible for expungement.
- (6) If the offense is determined to be eligible for expungement by SLED, the solicitor will obtain all necessary signatures, including the signature of the PTI Director, the summary court judge, and the circuit court judge.
- (7) Once the order is signed by the circuit court judge, the solicitor will file the order with the clerk of court.

(8) The solicitor will provide copies of the expungement order to all pertinent governmental agencies as well as the applicant or the applicant's attorney.


EXPUNGEMENT ORDERS SHOULD NOT BE FORWARDED TO S.C. COURT ADMINISTRATION (SCCA):

(1) for magistrate or municipal court convictions/dispositions, because SCCA does not retain information which identifies defendants by name or SSN for these charges; or

(2) for general sessions convictions/dispositions because disposition data (including expungements) is sent to SCCA electronically, and expungements are automatically entered into SCCA records; or

(3) for family court convictions/dispositions because disposition data (including expungements) is sent to SCCA electronically, and expungements are automatically entered into SCCA records

INQUIRIES: Should you have any questions concerning this instruction, please contact Dana Wood at (864) 596-2028.



Ann Angermeier
Executive Director
Upstate Workforce Investment Board

Replaces Local Instruction letter 13-15

Source: <http://www.judicial.state.sc.us/expungementinfo/expAppProcessGS.cfm>