

Pardon

Many convictions cannot be expunged. There is another option. A pardon is the State's forgiveness of a person for all the legal consequences of a crime. It does not remove the conviction from your criminal record, however, the conviction is noted as "pardoned." Many employers will consider a job applicant if the applicant's convictions have been pardoned.

To be eligible, you must generally have discharged your sentence, completed probation, or if on parole, completed at least 5 years under supervision. You must also have paid all restitution and collection fees.

Process for obtaining a Pardon:

- No attorney is necessary.
- Complete the application, available from the Dept. of Probation, Paroles, and Pardons (<http://www.dppps.sc.gov>)
- List all convictions on the application.
- Provide three letters of reference (preacher, former employer, etc.)
- Pay \$100 filing fee.
- A hearing is scheduled before the Board. Attendance is recommended but not required.
- There is no guarantee that you will receive a pardon; the burden is on you to show that you have "changed."

Employment Cases Handled

Job Discrimination
Wage Claims
Licensing Issues
Obstacles to Employment
Unemployment Benefits
Working Conditions
Other Employment Problems

Other Legal Representation

Consumer & Bankruptcy
Education
Family
Federal Income Tax
Housing
Migrant Farm Workers
Probate
Public Benefits

Additional information may be found at:

LawHelp.org/SC

South Carolina's guide to free legal resources

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**South Carolina
Legal Services**

Balancing the Scales of Justice

OVERCOMING A CRIMINAL RECORD



Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

For Free Services

1 (888) 346-5592

contactus@sclegal.org

www.sclegal.org / www.lawhelp.org/sc

www.probono.net/sc

www.lawhelp.org/sc/online-intake



You Have Options!

Are you having trouble finding a job because of a criminal record? You have options. **This information is specific to South Carolina charges and convictions. Different laws apply in other states and for federal convictions.**



Expungement

Expungement is the destruction of records of an arrest or conviction so that the offense no longer appears on a background check (“rap sheet”). SLED reports may be obtained for a fee of \$25.00 at www.sled.sc.gov. Even if charges against you were dismissed or you were found not guilty, information about the charges may still show up on your record.

Not all convictions can be expunged. Traffic convictions CANNOT be expunged (with the exception of first offense failure to stop for a blue light). Fish and Wildlife convictions CANNOT be expunged.

Only offenses which fit into one of these eight categories can be expunged:

1. Dismissed or nol prossed (not prosecuted) charges, or “not guilty” verdicts.
2. Charges dismissed because of successful completion of a diversion program such as Pre-Trial Intervention (PTI) or Alcohol Education Program (AEP).
3. 1st Offense Misdemeanor Conviction under the Fraudulent Check Law, so long as there are no additional criminal convictions one year from the date of conviction.
4. Conviction of a crime carrying a maximum penalty of up to 30 days and \$1,000 fine and there must be no additional convictions within 3 years from the date of the conviction (5 years for criminal domestic violence).
5. 1st Offense for either Simple Possession of a controlled substance or unlawful possession of a prescription drug so long as it has been 3 years from the completion of all probation, parole, and sentencing.
6. 1st Offense possession with intent to distribute a controlled substance. No other convictions within 20 years from the date of the completion of the sentence.
7. 1st Offense of misdemeanor, failure to stop for a blue light and upon conviction was fined not less than \$500 or imprisoned less than 90 days. No other convictions within 3 years.
8. Juvenile offenses, you are now at least 18 years old. The crime committed was nonviolent. Must have no pending charges in family court or general sessions.

9. Youthful offender convictions. Between the ages of 17-25. No further charges within 5 years after all probation, parole, and sentencing. Now applies to individuals who could have been sentenced under YOA prior to June 2, 2010.

10. Charges obtained as a direct result of being a victim of human trafficking.

How do I get an expungement?

It is not necessary to hire an attorney. For non-convictions in Magistrate or Municipal Court, you must contact the Court to apply. For all other types of expungement, contact the Solicitor in the county where the charge or conviction occurred.

The following fees must be paid for an expungement: \$250 to Solicitor (for all except type 1); \$35 to Clerk of Court (for all except type 1); and \$25 to SLED (for all except types 1 through 4).

