

JUVENILE RECORD EXPUNGEMENT IN SOUTH CAROLINA

| | | |
|---|---|--|
| <p>What allows for this? S.C. Law § 63-19-2050 is the source of this process for a juvenile record.</p> | <p>What is expungement? Expungement means erasure. South Carolina law allows some juvenile records to be destroyed by court order.</p> | |
| | <p>What can be expunged? -A juvenile charge that did not result in adjudication (conviction). -A juvenile adjudication (conviction) of a status or non-violent crime.</p> | <p>Does the court have to grant an expungement? No, the judge gets to make the decision.</p> |
| <p>What's a violent crime? There's a list in S.C. law § 16-1-60. See www.scstatehouse.gov. Click <i>Code of Laws; Title 16; Chapter 1</i>.</p> | <p>What cannot be expunged? -Any crime listed in South Carolina law as a "violent crime." For example: carjacking, armed robbery, or first and second degree arson.</p> | |
| | <p>What would prevent an expungement? -A prior adjudication (conviction) for an offense that would carry a maximum term of imprisonment of five or more years if committed by an adult.</p> | <p>What does that mean? It means having a record for a crime that would be a felony for an adult.</p> |
| <p>How is this done? You can do this on your own, or you can hire a lawyer to assist you.</p> | <p>What are the requirements to get a juvenile record expungement? -If you were found not guilty, the court will grant the expungement. There is no fee. -If you were adjudicated delinquent for one status offense, the court will grant the expungement. -If you have multiple status offenses, the court may grant the expungement. -You must be 17 years old, or older. -You must have fully completed any sentence. -If adjudicated (convicted), you cannot have been convicted of any other delinquent or criminal offense and you must not have any criminal charges pending.</p> | |
| | <p>How does the process work? -First, contact the Solicitor's Office for the circuit where the record was processed. -Second, submit the application and fees to the solicitor's office. -The prosecution or a law enforcement agency may object if you have other charges pending or the charges are not eligible for expungement. You will be notified of the objection at the address on file with the court and the matter will be heard by the court. -If your expungement is granted, you will receive a copy of the order in the mail.</p> | <p>How can I find the solicitor's office? Visit www.prosecution.state.sc.us. Click <i>Solicitors/Membership</i> for contact information.</p> |
| <p>Where can I get more information? Visit www.sccourts.org/expungementInfo/expAppProcessjuveniles.cfm. Or visit www.scfathersandfamilies.com for a guide to adult expungement.</p> | <p>How much does it cost? There are three fees for an expungement and each must be a separate money order: \$250.00 for the solicitor's office, \$25.00 for SLED, and \$35.00 for the clerk of court. No cash or personal checks are accepted.</p> | |