



South Carolina Justice Alliance
2023 Legislative Session

For the 2023 Legislative Session, here are the bills we are focusing on:

Occupational Licensing:

Senate Bill 165 (Climer) and House Bill 3605 (G.M. Smith and Sandifer)

- Amends S.C. Code Sec. 40-1-140, relating to the effect of prior convictions on license applications for professions and occupations.
- Prohibits the denial of a license by a professional or occupational board because of a prior criminal conviction, unless the criminal conviction directly relates to the duties, responsibilities, or fitness of the occupation or profession for which the applicant is seeking a license.
- Provides that professional and occupational boards are prohibited from using vague or generic terms including, but not limited to, “moral turpitude” or “good character,” and from considering charges that have been dismissed, nol prossed, or adjudicated with a finding of not guilty as a justification for denying an applicant a license.
- As amended, prevents the disclosure of the name of the complainant when the board believes there is good cause shown to withhold the name of the complainant.
- As amended, states that, before a board can issue a formal complaint, the Director of the Department of Licensing, Labor, and Regulation must certify that all due process requirements were met during the investigation of the licensee prior to any formal complaint is made public by the particular board.

Expungements:

Senate Bill 112 (Allen, Hembree, and Shealy)

- Provides a method to expunge convictions and adds multiple misdemeanor offenses of check fraud to the list of offenses eligible for expungement.

House Bill 3890 (Rose)

- Allows expungement for youthful offender convictions involving a driving under suspension offense.
- Applies retroactively to convictions before the effective date of the Act

House Bill 3019 (King, Leber, Henegan, Murphy, Brewer, Robbins, Schuessler and Guest)

- Establishes a process for the destruction of arrest records when the arrest was a result of mistaken identity.



- Provides that a person charged with an offense (listed below) may petition the solicitor in the county in which the alleged offense occurred for dismissal of the alleged offense that has not been adjudicated by trial or guilty plea, or otherwise disposed of or dismissed, after five years from the date he was charged with the offense. If there are no other pending charges unrelated to the subject charge and no criminal convictions subsequent to the alleged offense, the solicitor must approve the dismissal of the offense charged within 30 days of receipt of the petition for dismissal.
- The following offenses would be eligible for dismissal:
 - Simple assault or assault and battery in the third degree
 - Public intoxication or disorderly conduct
 - Breach of trust with fraudulent intent
 - Open container in a motor vehicle
 - Trespassing
 - Misdemeanor drawing or uttering a fraudulent check
 - Misdemeanor shoplifting
 - Driving under suspension
 - Simple possession of a controlled substance pursuant to Article 3, Chapter 53, Title 44; or
 - A similar local or state offense for which, in the discretion of the solicitor, the elements are substantially similar as for any of the above listed offenses.
- Upon dismissal of the charge, the solicitor in the county in which the alleged offense occurred must notify SLED and SLED must remove the pending charge from the petitioner's criminal record within 10 days of notification. Additionally, any arrest and booking records, associated bench warrants, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge or associated bench warrants may be retained by any municipal, county, or state agency.

Ban the Box:

Senate Bill 25 (Jackson)

- Provides that the State may not inquire, consider, or require disclosure of the criminal record or history of a job applicant until the applicant has been selected for an interview or before a conditional offer of employment is made.

No Parole Sentencing:

Senate Bill 297 (Allen)

- Provides that an inmate convicted of a "no parole offense" who has been determined by the inmate records office to have had no substantial or major disciplinary infractions and has substantially completed a rehabilitation program and the Department of Correction's



reentry program is eligible for early release, discharge, and community supervision once the inmate has served at least 77% percent of the imprisonment term.

- Provides that an inmate convicted of a “no parole offense” related to controlled substances or other illegal drugs is eligible for early release, discharge, and community supervision once the inmate has served 75% of the imprisonment term.