

Circuit Court Expungement Process

- (1) Pursuant to §17-22-950, the summary courts are responsible for expunging the records of all criminal cases handled in their courts resulting in a not guilty finding, judicial dismissal, or *nolle pross*. **All other expungements should be processed through the solicitor's office and issued by a circuit court judge.**
- (2) In exchange for an expungement service that is provided by the solicitor's office, 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, and
 - (c) a filing fee of \$35.00 made payable to the county clerk of court, when applicable.

Fee Exemption: Pursuant to §17-22-940(B), any person who applies to the solicitor's office for an expungement of general sessions charges pursuant to §17-1-40 (the person was found not guilty or the charge was dismissed or *nolle proseed*) is exempt from paying the administrative fee, unless the charge that is the subject of the expungement request was dismissed, discharged, or *nolle proseed* as part of a plea arrangement under which the defendant pled guilty and was sentenced on other charges.
- (3) The defendant submits the application to the solicitor with the required fees, and 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.
- (4) SLED will return the application to the solicitor and indicate if the offense(s) is eligible for expungement.
- (5) If the offense is determined to be eligible for expungement by SLED, the solicitor will obtain all necessary signatures, including the signature of the summary court judge and the circuit court judge.
- (6) Once the order is signed by the circuit court judge, the solicitor will file the order with the clerk of court.
- (7) 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.