

## Summary of Process for Reduction or Change of Charges on UTT

The following traffic offenses may be reduced on the face of the UTT to the lesser included offenses indicated below.

- Speeding (§56-5-1520) reduced to a lesser speed range included in that statute.
- Driving under the influence (DUI) (§56-5-2930) from a higher tiered alcohol concentration level (BAC) to a lower tiered BAC level. Example: BAC level of sixteen one hundredths of one percent or more reduced to a BAC level of at least ten one hundredths of one percent but less than sixteen one hundredths of one percent.
- Driving with an unlawful alcohol concentration (DUAC) (§56-5-2933) from a higher tiered BAC level to a lower tiered BAC level. Example: same as above relating to §56-5-2930.
- Driving under suspension (DUS), not as a result of a DUI/felony DUI suspension (§56-1-460(A)(1)) from a higher subsequent offense to a lower subsequent offense. (Example: DUS, third offense, reduced to a DUS, second offense)

The following are common examples of traffic offenses which **may not** be reduced on the face of the UTT but **must** be nolle prossed prior to trial and a new UTT written and served on the defendant in order to change or amend the original charge.

- DUI changed to DUAC.
  - DUI changed to reckless driving (§56-5-2920).
  - DUS changed to no SC driver's license (§56-1-20).
  - Reckless driving changed to driving too fast for conditions (§56-5-1520 (A)).
  - Any traffic violation changed to careless/negligent/thoughtless operation of a motor vehicle (county or municipal ordinance).
1. If defendant is originally charged with an offense which requires booking and the offense is reduced or changed to an offense that **would not** require booking, follow normal expungement process (§17-22-950) to automatically expunge original charge.
  2. If defendant is originally charged with an offense which **does not** require booking and the offense is reduced or changed to an offense that **would not** require booking, follow the normal expungement process (§17-22-950) regarding possible expungement of original charge.
  3. If defendant is originally charged with an offense which requires booking and the offense is reduced or changed to a lesser included offense which requires booking, the Order of Modification/Lesser Included form should be completed by the court and forwarded to SLED. **No expungement order is required.**
  4. If defendant is originally charged with an offense which requires booking and the offense is reduced or changed to an offense which requires booking **and is not a lesser included offense of the original charge**, the original UTT must be nolle prossed and subsequent offense written on new UTT and served on the defendant prior to trial. State should complete Modification and Changes form and forward to SLED immediately after case adjudication. **Within 31 to 40 days after case adjudication, court shall complete and forward an expungement order to SLED to remove record of original charge.**