

## 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 are a "changed" person.**

## 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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**BAR FOUNDATION**  
Lawyers Sustaining Justice



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](mailto:contactus@sclegal.org)  
[www.sclegal.org](http://www.sclegal.org) / [www.lawhelp.org/sc](http://www.lawhelp.org/sc)  
[www.probono.net/sc](http://www.probono.net/sc)

## 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”). 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 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. 1st Offense Simple Possession of Marijuana/Hashish for which the Defendant received and complied with conditional discharge.
5. 1st Offense Carrying a Maximum Penalty of 30 days or fine of \$500, or both.
  - Must have no other convictions within 3 years of conviction (for 1st offense criminal domestic violence, must have no other convictions within 5 years of conviction).
  - Wildlife/game and motor vehicle offenses cannot be expunged.
6. 1st Offense under the Youthful Offender Act (YOA).
  - The YOA covers certain non-violent offenses committed by persons under the age of 25.
  - Must have no other conviction for 5 years after completion of sentence, including probation and parole.
  - Motor vehicle offenses cannot be expunged.
7. 1st Offense Misdemeanor Failure to Stop for Blue Light, so long as there are no additional criminal convictions for 3 years after completion of sentence.

8. Juvenile Offenses.
  - Must be at least 18 years of age.
  - Must not be a violent offense.
  - No prior offenses that would carry a maximum sentence of 5 years or more if committed by an adult.
  - Must have successfully completed sentence and have no additional criminal charges.

## 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).

