COMMITTEE REPORT

March 26, 2014

**S. 900**

Introduced by Senator Allen

S. Printed 3/26/14--S. [SEC 3/27/14 11:42 AM]

Read the first time January 14, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (S. 900) to create the “Study Committee on Expungement of Criminal Offenses” to review the criminal laws of the State and determine criminal offenses appropriate for expungement, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. (A) There is created the “Study Committee on Expungement of Criminal Offenses” to review the state’s criminal laws for the purpose of determining criminal offenses which may be appropriate for expungement after a certain time period and under certain circumstances and to make recommendations to the General Assembly regarding proposed changes to the expungement laws. The study committee shall review information, including, but not limited to, statistics and other information available from the courts, the South Carolina Commission on Prosecution Coordination, and the South Carolina Commission on Indigent Defense regarding current expungement rates and types of criminal offenses that may be appropriate for expungement, in addition to expungement laws in other states.

(B) The study committee must be composed of three members of the Senate, appointed by the Senate Judiciary Committee Chairman, and three members of the House of Representatives, appointed by the House Judiciary Committee Chairman. Vacancies in the study committee’s membership must be filled for the remainder of the unexpired term in the manner of original appointment.

(C) The Chairmen of the Senate and House Judiciary Committees shall provide appropriate staffing for the study committee.

(D) The study committee shall make a report of the study committee’s recommendations to the General Assembly by October 13, 2014, at which time the study committee must be dissolved.

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

C. BRADLEY HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Clerks of the Senate and House of Representatives indicate a cost to the general fund with this bill of approximately $1,050 plus travel expenses per one day meeting of the committee for the 6 legislative members.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **JOINT RESOLUTION**

TO CREATE THE “STUDY COMMITTEE ON EXPUNGEMENT OF CRIMINAL OFFENSES” TO REVIEW THE CRIMINAL LAWS OF THE STATE AND DETERMINE CRIMINAL OFFENSES APPROPRIATE FOR EXPUNGEMENT, TO PROVIDE FOR THE MEMBERSHIP AND STAFFING OF THE STUDY COMMITTEE, AND TO PROVIDE FOR THE STUDY COMMITTEE’S TERMINATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A) There is created the “Study Committee on Expungement of Criminal Offenses” to review the criminal laws of the State and determine criminal offenses which may be appropriate for expungement after a certain period of time and under certain delineated circumstances and make recommendations to the General Assembly concerning proposed changes to expungement laws.

(B) The study committee must be composed of three members of the Senate, appointed by the Chairman of the Senate Judiciary Committee, and three members of the House of Representatives, appointed by the Chairman of the House Judiciary Committee. The study committee shall review information including, but not limited to, statistics and other information available from the courts, the Prosecution Coordination Commission, and the Public Defenders’ Association regarding the current rates of expungement and the types of criminal offenses that may be appropriate for expungement, in addition to corresponding expungement laws in other states, in order to determine whether amendments should be proposed to the state’s existing expungement statutes.

(C) Vacancies in the membership of the study committee must be filled for the remainder of the unexpired term in the manner of original appointment.

(D) The Chairmen of the Senate and House Judiciary Committees shall provide appropriate staffing for the study committee.

(E) The study committee shall make a report of its recommendations to the General Assembly by May 15, 2014, at which time the study committee must be dissolved.

SECTION 2. This act takes effect upon approval by the Governor.

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