**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3194**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. King

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Introduced in the House on January 10, 2017

Currently residing in the House Committee on **Judiciary**

Summary: Destruction of arrest records

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 108](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 108](file:///h:\hj\20170110.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3194&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3194_20161215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑1‑43 SO AS TO PROVIDE FOR THE DESTRUCTION OF ARREST RECORDS OF PERSONS ARRESTED AS A RESULT OF MISTAKEN IDENTITY NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER AN INVESTIGATION BY A LAW ENFORCEMENT OR PROSECUTION AGENCY REVEALS THAT THE PERSON WAS ARRESTED AS A RESULT OF MISTAKEN IDENTITY AND TO PROVIDE THAT THE LAW ENFORCEMENT OR PROSECUTION AGENCY MAY NOT CHARGE OR COLLECT A FEE FOR THE DESTRUCTION OF ARREST RECORDS UNDER THESE CIRCUMSTANCES.

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

SECTION 1. Chapter 1, Title 17 of the 1976 Code is amended by adding:

“Section 17‑1‑43. Notwithstanding the provisions of Section 17‑1‑40, not later than one hundred eighty days after an investigation by a law enforcement or prosecution agency reveals that a person was arrested as a result of mistaken identity and no charges have been filed against the person nor will be filed due to the mistaken identity, the law enforcement or prosecution agency with appropriate jurisdiction shall destroy the arrest records of that person made as a result of mistaken identity. The law enforcement or prosecution agency, as appropriate, shall establish a review process for verifying that a person’s arrest records relating to mistaken identity in which no charges were filed have been destroyed as provided in this section. Neither the law enforcement or prosecution agency may charge or collect a fee for the destruction of arrest records pursuant to the provisions of this section.”

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

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